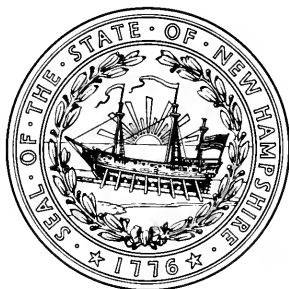


NEW HAMPSHIRE GENERAL COURT



JOURNAL of the HOUSE OF REPRESENTATIVES

containing the
Special Session of
December 14, 1989
and
the 1990 Session
January 3, 1990
through
May 3, 1990

W. DOUGLAS SCAMMAN, JR.
SPEAKER

JAMES A. CHANDLER
CLERK

TYPESETTING

BY

STATE OF NEW HAMPSHIRE
BUREAU OF GRAPHIC SERVICES

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SPECIAL SESSION OF 1989

HOUSE JOURNAL No. 1

Thursday, December 14, 1989

Pursuant to the following proclamation, the New Hampshire House of Representatives, having assembled at the Capitol in the City of Concord, in said State, on Thursday December 14, 1989, being the day designated in the following proclamation by His Excellency, the Governor, and Executive Council, was called to order by the Speaker at ten o'clock a.m.

CALL OF THE SESSION

WHEREAS, the welfare of the people of the State of New Hampshire requires the reconvening of the General Court for the purpose of enacting legislation to resolve and settle the bankruptcy of Public Service Company of New Hampshire, and

WHEREAS, the Executive Department in calling such a session intends an agenda limited to the Public Service Company of New Hampshire bankruptcy issue,

NOW THEREFORE, the Governor and Council, on motion duly seconded, hereby exercise their executive legislative authority under Part 2, Article 50 of the New Hampshire Constitution and summon the General Court to reconvene in Special Session at 10:00 a.m. on December 14, 1989.

Prayer was offered by guest Chaplain Rev. J. Chandler Newton from Raymond, sponsored by Rep. Hoar.

God, in the course of our days we are confronted with many difficult decisions. Surely today offers the women and men of our Legislature such a time of tough choices. Whatever their determination they are only too well aware they will be second guessed. The people gathered here as our representatives are not naive, they accepted this challenge knowing there would be disagreements. Yet God, we ask that You would offer them Your strength when they are too often villified rather than validated. When interest groups pursue them even into the few private spaces in their lives, we would ask that You help them to find a soothing symphony to replace the cacophony of overly zealous and strident voices. When editorials replace cordial dissent with churlish denunciations we hope You will offer them Your benevolence to guide them through the malevolent voices hounding them.

God, help us to keep in mind that the men and women here gathered are those who have chosen not to ignore the many ills of our society. With pluck and determination they stand to be counted when others would sit and complain. We ask that You be with their families who must share in their sacrifice of private quality time together.

Finally, God, we would hope that You would help them to keep in some very safe and special place in their lives the occasional words of sincere thanks and praise for their offerings and their dedication.

May their deliberation today generate more light than heat. May this season of celebration work its miracles in all our hearts and for these and all Your blessings we are truly grateful. Amen.

Rep. Russell C. Chase led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Gagnon, Lewis Brown, Kincaid, Elizabeth Greene, Parsons, Provencal, Biondi, and Kinney, the day, illness.

Reps. A. Gibb Dodge, Hunt, Ziegra, Fesh, George and Phyllis Katsakiores, Keefe, Healy, Julie Brown and Ballou, the day, important business.

INTRODUCTION OF GUESTS

Andrea Ditto, guest of Rep. David O. Dow; Presha Page and Melissa Johnson, guests of Rep. Larry G. Elliott; and Gregory Gilmore, son of Rep. Gary R. Gilmore.

RESIGNATIONS

The clerk announced the resignations of the following members: Rep. Larry E. Eno of Thornton, Grafton District 6; Rep. Lionel Guilbert of Nashua, Hillsborough District 24; Rep. William H. Hatch of Nashua, Hillsborough District 23; Rep. Linda D. Long of Nashua, Hillsborough District 25; Rep. Vincent J. Palumbo, Jr., of Kingston, Rockingham District 10; Rep. Rachel I. Racicot of Manchester, Hillsborough District 46; Rep. James J. White of Winnisquam, Belknap District 3; and Rep. Ann M. Derosier of Nashua, Hillsborough District 26.

DEATHS

The Speaker noted with regret the permanent absence of the member from Manchester, Rep. Fernand Genest and the member from Claremont, Rep. Robert Brodeur, both of whom have passed away since the House adjourned the 1989 Session.

COMMUNICATIONS

Mr. James Chandler
Clerk of the House of Representatives
State House
Concord, N.H. 03301

Dear Mr. Chandler:

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council:

August 2, 1989

Hillsborough County District No. 17 (Brookline, Greenville, Mason, New Ipswich)
Gregory L. Hanselman, i, New Ipswich (Main Street) 03071

September 27, 1989

Merrimack County District No. 17 (Concord-Ward E)
J. Allen Bennett, r, Concord (26 Laurel Street) 03301

November 1, 1989

Hillsborough County District No. 23 (Nashua-Ward 2)
Sezen M. Gerow, d, Nashua (24 Tampa Street) 03060

November 21, 1989

Hillsborough County District No. 25 (Nashua Ward-5)
David E. Cote, d, Nashua (96 West Hollis Street) 03060

November 21, 1989

Hillsborough County District No. 28 (Nashua Ward-4)
Alphonse A. Haettenschwiller, d, Nashua (24 Mulberry Street Apt. 2) 03060

November 21, 1989

Hillsborough County District No. 41 (Manchester Ward-7)
Charles J. Leclerc, d, Manchester (275 Somerville Street) 03103

December 6, 1989

Hillsborough County District No. 20 (Pelham)

Eva M. Lawrence, r, Pelham (RFD 3, Box 248B) 03076

Sincerely,

Paula S. Penney, Administrative Assistant

Office of Secretary of State

**CALL OF THE ROLL
BELKNAP COUNTY**

- Dist. No. 1 Steven R. Maviglio, d&r
- Dist. No. 2 Kenneth A. Randall, r
- Dist. No. 3 Vacant
- Dist. No. 4 Earle D. Hardy, r&d; Charles C. Vogler, r
- Dist. No. 5 Richard H. Campbell, Jr., r&d; Robert S. Hawkins, r; Ralph W. Pearson, r
- Dist. No. 6 Matthew J. Locke, r
- Dist. No. 7 Paul A. Golden, r
- Dist. No. 8 Thomas Rice, Jr., r
- Dist. No. 9 Ralph J. Rosen, r
- Dist. No. 10 Dennis R. Bolduc, r; Lawrence Richardson, d&r
- Dist. No. 11 Robert H. Turner, r
- Dist. No. 12 Kenneth P. Peters, r
- Dist. No. 13 Robert G. Holbrook, r

CARROLL COUNTY

- Dist. No. 1 Gene G. Chandler, r
- Dist. No. 2 Nanci A. Allard, r; Howard C. Dickinson, Jr., r
- Dist. No. 3 Robert J. Daly, Jr., r
- Dist. No. 4 Robert W. Foster, r; Allen R. Wiggin, r
- Dist. No. 5 Gerard E. Powers, Jr., r; Howard N. Saunders, r
- Dist. No. 6 Russell C. Chase, r; Kenneth J. MacDonald, r
- Dist. No. 7 J. Lisbeth Olimpio, r

CHESHIRE COUNTY

- Dist. No. 1 Jeffrey C. Miller, r; David A. Young, r
- Dist. No. 2 John J. Laurent, r; JoAnn T. Morse, r&d
- Dist. No. 3 Kenneth A. Cole, d; Robert F. Delano, r; Irene A. Pratt, d
- Dist. No. 4 Daniel A. Eaton, d&r
- Dist. No. 5 Stephen G. Avery, r; Irvin H. Gordon, r
- Dist. No. 6 Richard A. Grodin, r&d; Alfred P. Sawyer, r&d
- Dist. No. 7 William R. Matson, d
- Dist. No. 8 Donald O. Crutchley, r
- Dist. No. 10 Stacey W. Cole, r; David M. Perry, r
- Dist. No. 11 Katherine H. Metzger, r
- Dist. No. 12 Paul G. Blacketor, d
- Dist. No. 13 Susan S. Spear, d&r
- Dist. No. 14 Douglas E. Hill, r
- Dist. No. 15 Gertrude B. Pearson, r
- Dist. No. 16 David M. LaMar, d&r
- Dist. No. 17 Robert E. Barber, Jr., d; Richard F. Doucette, d; Katherine D. Foster, d; David A. Pierce, r

COOS COUNTY

- Dist. No. 1 Beaton Marsh, r; Gerald P. Merrill, r
- Dist. No. 2 C. Fitzgerald Buckley, III, r
- Dist. No. 3 Josephine Mayhew, d
- Dist. No. 4 Lynn C. Horton, r&d
- Dist. No. 5 Harold W. Burns, r
- Dist. No. 6 Jeffrey R. Woodburn, d
- Dist. No. 7 Lawrence J. Guay, d&r; Otto H. Oleson, d
- Dist. No. 8 Catherine V. Brungot, r; Robert E. Dumont, r; Dennis J. Kilbride, d;
George Lemire, d; Harold D. Nelson, d&r; Romeo J. Theriault, d

GRAFTON COUNTY

- Dist. No. 1 Richard L. Hill, r; Kathleen W. Ward, r; Henry F. Whitcomb, Jr., r
- Dist. No. 2 Philip H. Weymouth, r
- Dist. No. 3 Edward Densmore, d&r
- Dist. No. 4 Roger Stewart, r&d
- Dist. No. 5 Paul I. LaMott, r; Douglass P. Teschner, r&d
- Dist. No. 6 Keith Markley, r; Vacant
- Dist. No. 7 Deborah L. Arnesen, d
- Dist. No. 8 Shirley M. Bennett, r; David O. Dow, r; William J. Driscoll, r&d
- Dist. No. 9 Nils H. Larson, Jr., r
- Dist. No. 10 Ralph E. Shackett, r
- Dist. No. 11 C. Dana Christy, r&d; William B. Rose, r; David M. Scanlan, r&d
- Dist. No. 12 Mary P. Chambers, d; Marion L. Copenhaver, d; Robert H. Guest, d;
Sharon L. Nordgren, d
- Dist. No. 13 Carl S. Adams, r; Pamela B. Bean, r&d; Channing T. Brown, r; Ho-
ward C. Townsend, r; Karen O. Wadsworth, r&d

HILLSBOROUGH COUNTY

- Dist. No. 1 David D. Hultgren, r; Ervin R. Lachut, r
- Dist. No. 2 Larry G. Elliott, r
- Dist. No. 3 Neal M. Kurk, r
- Dist. No. 4 Roland A. Sallada, r
- Dist. No. 5 Elizabeth A. Moore, r
- Dist. No. 6 Lawrence A. Emerton, Sr., r; Bruce F. Hunter, r; Alice Tirrell Knight,
r; Daniel P. McNerney, r; Karen McRae, r
- Dist. No. 7 Eleanor H. Amidon, r; Merton S. Dyer, r; Robert H. Grip, r
- Dist. No. 8 Paul L. Drolet, r; Howard F. Mason, r
- Dist. No. 9 Garret P. Cowenhoven, r&d; Carol H. Holden, r; Elizabeth D. Lown,
r; Nancy Tarpley, r
- Dist. No. 10 Vivian Barry, r; Lester R. Perham, r&d; Bartolo V. Prestipino, r&d;
David K. Wheeler, r&d
- Dist. No. 11 Dorothy C. Bowers, r&d; Maurice E. Goulet, r; John F. Klose, r;
Barbara A. Upton, r&d
- Dist. No. 12 Ellen-Ann Robinson, r
- Dist. No. 13 Frederick G. Ahrens, r; Emma M. Dodge, r; Dennis H. Fields, r;
Jacqueline J. Flood, d; Nancy G. Frank, d; Robert N. Kelley, r
- Dist. No. 14 Ellen C. Dube, d
- Dist. No. 15 Bonnie B. Packard, r&d
- Dist. No. 16 Betty B. Hall, d

- Dist. No. 17 Gregory L. Hanselman, i
- Dist. No. 18 Gladys M. Cox, r; George W. Wright, r&d
- Dist. No. 19 David J. Alukonis, r; Lionel R. Boucher, r; Shawn N. Jasper, r; G. Philip Rodgers, r; Stanley N. Searles, Sr., r; Willard N. Young, r
- Dist. No. 20 Patrick Culbert, r; Eva M. Lawrence, r; Norman B. Lawrence, r
- Dist. No. 21 Leonard A. Smith, r
- Dist. No. 22 Barbara J. Baldizar, d; Robert C. Bicknell, r; Paul M. Tyree, r
- Dist. No. 23 Sezen M. Gerow, d; Alice B. Record, r; Stanley R. Vanderlosk, r
- Dist. No. 24 Robert A. Daigle, d&r; Nancy M. Ford, r; Vacant
- Dist. No. 25 David E. Cote, d; Susan N. Harlan, r; Donnalee M. Lozeau, r
- Dist. No. 26 Frederick B. Andrews, r; Francis X. Donovan, d; Vacant
- Dist. No. 27 Daniel Toomey, d
- Dist. No. 28 Alphonse A. Haettenschwiller, d; Romeo W. Jean, d; Steve Kuchinski, d
- Dist. No. 29 Roland J. Lefebvre, d; James E. McDowell, d&r
- Dist. No. 30 Adam C. Gureckis, Sr., d; Roland A. Morrisette, d; Ronald P. Sage, Jr., d
- Dist. No. 31 Bonnie Lou McCann, d&r; Debora B. Pignatelli, d
- Dist. No. 32 A. Theresa Drabinowicz, d
- Dist. No. 33 Carolyn L. Brady, r; Lee Anne S. Steiner, r; Linda S. Wihby, r
- Dist. No. 34 Catherine A. Schneiderat, r; Walter A. Stiles, r
- Dist. No. 35 Ann J. Bourque, d&r; Theodora P. Nardi, d&r; Joanne A. O'Rourke, d
- Dist. No. 36 Scott E. Green, r
- Dist. No. 37 Lionel W. Johnson, d; Toni Pappas, r; Leo P. Pepino, r
- Dist. No. 38 William M. Barry, d; Daniel M. McCarthy, d
- Dist. No. 39 Leona Dykstra, d&r; Herbert N. Foote, Sr., r; Lillian E. Soucy, d&r
- Dist. No. 40 Robert E. Murphy, d&r
- Dist. No. 41 Patricia R. Dwyer, d; Charles J. Leclerc, d; Gilles R. Provost, r
- Dist. No. 42 Roland O. Beaupre, r; Jacquelyn M. Domaingue, r; John A. King, d
- Dist. No. 43 Janet G. Barry, r; Peter A. Burkush, d; William J. Desrosiers, Jr., r
- Dist. No. 44 Frances L. Riley, r
- Dist. No. 45 Mary Jenkins, d&r; Irene M. Messier, r; Frank J. Reidy, d&r
- Dist. No. 46 Paul R. Dionne, d; Roland M. Turgeon, d; Vacant
- Dist. No. 47 Gerard T. Desrochers, d; Gloria W. Kress, r; Lillian I. Rheault, r
- Dist. No. 48 Robert O. Ouellette, r

MERRIMACK COUNTY

- Dist. No. 1 Elizabeth S. Bardsley, r; James D. Phelps, r
- Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r
- Dist. No. 3 Nancy C. Beaton, d; Thea G. Braiterman, d
- Dist. No. 4 Elizabeth S. Millard, r; Rick A. Trombly, d&r
- Dist. No. 5 Susan D. Carter, r; C. William Johnson, r; Mary Ann Lewis, r; Peter M. Stio, r
- Dist. No. 6 Richard A. Barberia, r; Leo W. Fraser, Jr., r; Robert A. Lockwood, r
- Dist. No. 7 Eleanor M. Anderson, r; Patricia A. Fair, d&r; Douglas E. Hall, r; Randall F. Shaw, r
- Dist. No. 8 Gabriel Daneault, d
- Dist. No. 9 Lowell D. Apple, r&d; Laurent J. Boucher, r; Terence R. Pfaff, r
- Dist. No. 10 Bronwyn Asplund, r; Richard W. Tolpin, r; James A. Whittemore, r&d

- Dist. No. 11 Eugene E. Pantzer, r;
- Dist. No. 12 Robert M. Gilbreth, r&d
- Dist. No. 13 Mary C. Holmes, r
- Dist. No. 14 Michael Hill, r
- Dist. No. 15 Paul R. Fillion, r
- Dist. No. 16 Caroline L. Gross, r
- Dist. No. 17 J. Allen Bennett, r
- Dist. No. 18 Bert Teague, r
- Dist. No. 19 Jennifer G. Soldati, d
- Dist. No. 20 Gerald R. Smith, r
- Dist. No. 21 Miriam D. Dunn, d; Elizabeth Hager, r; Robert C. Hayes, r; Mary Jane Wallner, d; George M. West, r

ROCKINGHAM COUNTY

- Dist. No. 1 Robert A. Johnson, r
- Dist. No. 2 John L. Sherburne, r
- Dist. No. 3 Russell G. Seward, r
- Dist. No. 4 Roger C. King, r
- Dist. No. 5 Richardson D. Benton, r; Harry E. Flanders, r; Henry E. Wells, r&d
- Dist. No. 6 Douglas G. Forsythe, r&d; John Hoar, Jr., r&d; Kathleen M. Hoelzel, r; Calvin Warburton, r
- Dist. No. 7 Eunice M. Campbell, r; Janet M. Conroy, r; Virginia K. Lovejoy, r; Maurice B. MacDonald, r; Nancy W. MacKinnon, r
- Dist. No. 8 Natalie S. Flanagan, r; Raymond H. Gourdeau, r
- Dist. No. 9 LeRoy S. Dube, r; Richard L. Haynes, r; Marilyn P. Senter, r; Peter M. Simon, r
- Dist. No. 10 John W. Flanders, Sr., r; David A. Welch, r; Vacant
- Dist. No. 11 Patricia L. Cote, r; William F. McCain, r
- Dist. No. 12 Albert Caswell, Jr., d; Elizabeth M. Popov, d
- Dist. No. 13 Carl F. Anderson, III, r; Thomas U. Gage, r; Thaddeus E. Klemarczyk, r; Harold F. Magoon, r; Arthur Tufts, r
- Dist. No. 14 Jeffrey M. Brown, r; Charles H. Felch, Sr., r
- Dist. No. 15 James R. Rosencrantz, d&r
- Dist. No. 16 Frank J. Palazzo, Sr., r
- Dist. No. 17 Beverly A. Hollingworth, d; Kenneth W. Malcolm, r; Ednapearl F. Parr, r; Barbara R. Remick, r
- Dist. No. 18 Herbert R. Drake, r; John J. McCarthy, Jr., r; Eugene Ritzo, r
- Dist. No. 19 W. Douglas Scamman, Jr., r
- Dist. No. 20 Stephen W. Bucu, r; Marilyn R. Campbell, r; Annette M. Cooke, r; Bert H. Ford, r; Beverly A. Gage, r; Stephanie K. Micklon, r; Bernard J. Raynowska, r; Donald L. Roulston, r; Donna P. Sytek, r; Elsie Vartanian, r
- Dist. No. 21 Ada L. Mace, r; Patricia M. Skinner, r
- Dist. No. 22 Arthur P. Klemm, Jr., r
- Dist. No. 23 William P. Boucher, r; Betsy McKinney, r; Rowland Schmidtchen, r; Matthew M. Sochalski, r; Vicki Stachowske, r; David B. Wright, r
- Dist. No. 24 Laura C. Pantelakos, d; Michael R. Weddle, d
- Dist. No. 25 Patricia O. Sanderson, d; John E. Splaine, Sr., d

- Dist. No. 26 Juanita L. Bell, d; MaryAnn N. Blanchard, d&r
- Dist. No. 27 Cynthia A. McGovern, d; Charles L. Vaughn, d
- Dist. No. 28 Lawrence A. Chase, Jr., r; Carolyn E. Hynes, d; Cecelia D. Kane, d;
Joseph A. MacDonald, d

STRAFFORD COUNTY

- Dist. No. 1 Glenn W. Stewart, r; Warren L. Swope, r
- Dist. No. 2 Henry P. Sullivan, d&r; William Tsiros, d&r
- Dist. No. 3 Douglas A. Lachance, d; George T. Musler, r
- Dist. No. 4 Wayne M. Burton, d; W. Kent Martling, r; Amanda A. Merrill, d; Leo
J. Spencer, d; Janet G. Wall, d; Katherine W. Wheeler, d
- Dist. No. 5 Albert J. Dionne, d&r
- Dist. No. 6 Robert E. Marston, r; Joe B. Parks, r; Thomas E. Scharff, d; Ann M.
Torr, r
- Dist. No. 7 Mary E. Bernard, d; Gary R. Gilmore, d; William K. Kincaid, d;
William H. McCann, Jr., d&r
- Dist. No. 8 Anita A. Flynn, d; Edward J. Flynn, d; Roland A. Frechette, d; Fran-
cis C. Vincent, d
- Dist. No. 9 John H. Meserve, r
- Dist. No. 10 Drucilla Bickford, r; Patricia H. Foss, r; John O'Brien, d&r; Janet R.
Pelley, d; John B. Young, r
- Dist. No. 11 James E. Appleby, r&d; Robert J. Callaghan, d; Sandra B. Keans, r;
Ralph W. Torr, r

SULLIVAN COUNTY

- Dist. No. 1 Peter Hoe Burling, d; Merle W. Schotanus, r
- Dist. No. 2 Gordon B. Flint, r; Fredrik Peyron, r; Beverly T. Rodeschin, r
- Dist. No. 3 Thomas A. Behrens, r&d
- Dist. No. 4 Carol M. Stamatakis, d
- Dist. No. 5 Irene C. Domini, r; Keith L. Hinrichsen, r
- Dist. No. 6 John A. Middleton, r
- Dist. No. 7 Edward A. Lucier, Jr., d&r; Vacant
- Dist. No. 8 Jane A. Harland, d; Kurt A. Normandin, d&r
- Dist. No. 9 Kenneth M. MacAskill, r

With 377 members having answered the call, the Speaker declared a quorum present.

Rep. Ann Torr moved that the Honorable Senate be notified that the House of Representatives has assembled under the authority of the call of a Special Session by the Governor and Council, and is now ready to proceed with the business of the 1989 Special Session.

Adopted.

Rep. Burns offered the following:

HOUSE CONCURRENT RESOLUTION No. 1

adopting joint rules for the Special Session

RESOLVED, that the House adopt the 1989 Joint Rules as printed in the Black Book with the following sections deleted in that they do not apply in a Special Session.

Rule 4, Rule 10, Rule 12 and Rule 19

Further amend the Joint Rules by inserting a new Rule 4A to read as follows:

4-A. Approval of the Joint Rules Committee, the House and Senate voting separately, will be necessary for the introduction of any bill.

Rep. Burns spoke in favor of the resolution.

Resolution adopted.

Rep. Burns offered the following: RESOLVED, that the House ratify the actions of the Rules Committee taken prior to the convening of the Special Session in which it screened requests for drafting and introduction; and the actions of the Joint Committee To Monitor the Public Service Company of New Hampshire Reorganization Proceedings in scheduling and holding a public hearing and executive session on Special Session House Bill 1, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire, and be it also

RESOLVED, that the House reaffirm its 1989 adoption of House Resolutions 2 through 8, concerning seating, selection of a chaplain, tape recording of House Sessions, employment of personnel in the Clerk's office and Sergeant-at-Arms office; the distribution of bills, Calendars and Journals; and session cancellations.

Resolution adopted.

Rep. Vartanian offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Special Session House Bill 1, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire, its introduction having been approved by the Joint Rules Committee, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SPECIAL SESSION HOUSE BILL

First, second reading and referral

SS HB 1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire. (Rep. Vartanian of Rockingham Dist. 20 — To Joint Legislative Committee To Monitor The Public Service Company Of New Hampshire Reorganization Proceedings.)

COMMITTEE REPORT

The Joint Legislative Committee To Monitor The Public Service Company of New Hampshire Reorganization Proceedings

SPECIAL SESSION HB 1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

This bill resolves the bankruptcy of the State's largest electric utility, Public Service Company of New Hampshire, by enabling the Public Utilities Commission to engage in several regulatory actions.

First, this bill authorizes the PUC to conduct a full and complete review of the rate agreement negotiated between the Governor and Attorney General and Northeast Utilities. If the PUC finds that the agreement is consistent with the public good, it is authorized to issue the approvals necessary to implement the agreement, notwithstanding any other provisions of law. In other words, it delegates to the PUC the authority to perform an expert review of the technical terms of the Agreement.

Second, the bill authorizes the PUC to consider any "alternative reorganization plans" which can be shown to resolve the bankruptcy and will result in the same or

lower costs and risks to ratepayers and the same or greater benefits to the State as those benefits resulting from the Northeast Utilities Plan.

Third, the bill directs the PUC to place into effect on January 1, 1990 a temporary rate surcharge of 5.5% for PSNH. This action is required under the State/NU Rate Agreement. However, any revenues collected under this surcharge will be placed in a special escrow account. If the NU Plan or an alternate plan cannot be implemented, the escrowed revenues will be refunded to ratepayers.

Fourth, the bill authorizes the PUC to approve a rate plan to be proposed by the New Hampshire Electric Cooperative, but only if the PUC determines that the plan proposed is consistent with the public good and would result in benefits to Co-op ratepayers which are at least as good as the benefits for PSNH ratepayers resulting under the NU Plan. Additionally, the legislation provides that other small electric utilities in New Hampshire will have access to power supply and transmission resources in the same manner as the New Hampshire Electric Cooperative.

Fifth, it provides that the PUC's actions to implement the NU Plan or any alternative reorganization plan will be final. Therefore, the proponent of the plan may rely on the PUC's actions, throughout the period of the rate agreement. Although the agreement allows the parties to modify the terms, subject to the approval of the PUC, the legislation provides that modifications must also be approved by the Legislature.

Sixth, the legislation prohibits the PUC from reallocating revenue responsibility among the residential, commercial, industrial and municipal classes for the Fixed Rate Term unless the Legislature approves such a reallocation. This means that residential customers will not be required to shoulder a disproportionate share of the cost of power.

Finally, the legislation requires PUC approval of all generation and transmission agreements with a term of more than one year. This ensures that utility wholesale power supply decisions will be reviewed by the PUC for reasonableness and prudence, while allowing ratepayers to benefit from short-term exchange transactions. Vote 3-1. Rep. Elsie Vartanian for the Joint Legislative Committee to Monitor the Public Service Company of New Hampshire Reorganization Proceedings.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Reorganization of Public Service Company of New Hampshire. Amend RSA by inserting after chapter 362-B the following new chapter:

CHAPTER 362-C

REORGANIZATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

362-C:1 Declaration of Purpose and Findings. The legislature finds that:

I. The health, safety and welfare of the people of the state of New Hampshire and orderly growth of the state's economy require that there be a sound system for the furnishing of electric service.

II. The bankruptcy of the state's largest electric utility, Public Service Company of New Hampshire, has threatened the adequacy, reliability and cost of electric service.

III. The present and predicted growth in electric service demands in the state of New Hampshire requires a prompt resolution of the bankruptcy and reorganization of Public Service Company of New Hampshire.

IV. For the reasons stated in paragraphs I-III, the public utilities commission should be authorized to determine whether a proposed agreement relating to the reor-

ganization of Public Service Company of New Hampshire and, upon receipt of required regulatory approvals, the acquisition of Public Service Company of New Hampshire by Northeast Utilities, would be consistent with the public good and whether the rates for electric service to be established in connection with the reorganization are just and reasonable and should be approved.

V. In addition, the public utilities commission should be authorized to determine whether to implement a similar rate plan for the New Hampshire Electric Cooperative, Inc., in order to avoid a bankruptcy by that utility.

362-C:2 Definitions. In this chapter:

I. "Agreement" means the agreement dated as of November 22, 1989, as amended through December 14, 1989, executed by and between the governor and attorney general of the state of New Hampshire, acting on behalf of the state of New Hampshire, and Northeast Utilities Service Company, acting on behalf of its parent Northeast Utilities.

II. "Alternative reorganization plan" means a plan of reorganization filed in the Public Service Company of New Hampshire bankruptcy case, other than the NU plan.

III. "Commission" means the public utilities commission established in RSA 363.

IV. "NU plan" means the amended plan of reorganization filed in December of 1989, by Northeast Utilities Service Company which provides for the resolution of the outstanding creditor claims and equity security interests of Public Service Company of New Hampshire in the Public Service Company of New Hampshire bankruptcy case.

V. "Public Service Company of New Hampshire bankruptcy case" means the proceeding pending before the United States Bankruptcy Court for the District of New Hampshire (Case No. 88-00043) for the reorganization of Public Service Company of New Hampshire under Chapter 11 of the Bankruptcy Code.

362-C:3 Action by the Commission. The commission is authorized, after hearing, in one or more proceedings to be initiated and completed during the pendency of the Public Service Company of New Hampshire bankruptcy, to determine whether the implementation of the agreement would be consistent with the public good. If the commission so finds, it shall, notwithstanding any other provision of law, establish and place into effect the levels of rates, fares, or charges and the fuel and purchased power adjustment clause to be maintained for Public Service Company of New Hampshire, or its successor, in accordance with, and during the time periods set forth in, the agreement; then the commission shall initiate such other proceedings, hold such other hearings and take such other actions as may be necessary to implement the provisions of the agreement.

362-C:4 Establishment of Temporary Rates. Notwithstanding any other provision of law, the commission shall establish a 5.5 percent temporary rate surcharge to be made effective on January 1, 1990, for the retail electric rates of Public Service Company of New Hampshire, or its successor, in accordance with the agreement. The incremental increase in revenues resulting from the temporary rate surcharge shall be ordered segregated and held in escrow by an escrow agent approved by the commission pending disposition in the manner provided in the agreement or in an alternative reorganization plan approved by the commission pursuant to RSA 362-C:5.

362-C:5 Alternative Reorganization Plans. The authorization granted to the commission in RSA 362-C:3 shall extend to any alternative reorganization plan which the commission affirmatively finds will resolve the Public Service Company of New Hampshire bankruptcy case and will result in the same or lower costs and risks to ratepayers and the same or greater benefits to the state as those resulting from the NU plan and the agreement both during the time periods in which rates increases are prescribed in the agreement and thereafter.

362-C:6 Finality of Approval. If the commission takes final action under RSA 362-C:3 or RSA 362-C:5 to approve the agreement and to fix the rates for Public Service Company of New Hampshire or its successor in the manner prescribed in the agreement, or to approve and implement an alternative reorganization plan, or both, the commission shall not thereafter issue any order or process which would alter, amend, suspend, annul, set aside or otherwise modify such approval or result in the fixing of rates other than in the manner prescribed in the agreement or the approved alternative reorganization plan.

362-C:7 Rate Plan for the New Hampshire Electric Cooperative, Inc. Notwithstanding any other provision of law, the commission shall establish a 5.5 percent temporary rate surcharge to be made effective on January 1, 1990, for the retail electric rates of the New Hampshire Electric Cooperative, Inc., to be held in escrow in the manner provided in RSA 362-C:4. The commission is further authorized to approve a rate plan proposed by the New Hampshire Electric Cooperative Inc., provided that it finds such a rate plan to be consistent with the public good and that it results in no greater costs and risks to members of the cooperative than those resulting for ratepayers of Public Service Company of New Hampshire under the agreement. If the commission approves such a rate plan and fixes permanent rates under such plan, the revenues collected under the temporary rate surcharge shall be paid over to the New Hampshire Electric Cooperative, Inc. If no such rate plan is approved within 90 days following the date on which a bankruptcy rate plan for Public Service Company of New Hampshire becomes effective, the temporary rate surcharge shall terminate and the revenues collected under such surcharge shall be refunded to customers. An order of the commission approving a rate plan under this section shall have the same finality as that provided in RSA 362-C:6 for approval orders relating to Public Service Company of New Hampshire.

362-C:8 Rate Design. Notwithstanding any law or rule to the contrary, during the fixed rate term of the approved agreement or plan the commission shall not cause the allocation of base rate revenue responsibility among residential, commercial, industrial and municipal customers in effect on September 15, 1989, for the electric customers, serviced by Public Service Company of New Hampshire or its successor, to change without legislative approval of the commission's finding that such revenue responsibility allocation is unjust or unreasonable.

362-C:9 Modifications in Agreement or Plan. Any modifications to an approved agreement or plan, including its exhibits, made in accordance with such agreement or plan, which potentially could increase rates, fares or charges shall, in addition to any requirements set forth in such agreement or plan, require the approval of the legislature.

362-C:10 Wholesale Customers. Nothing in the agreement or plan approved by the commission under this chapter shall restrict access to Public Service Company of New Hampshire's (PSNH), or its successor's, power supply and transmission re-

sources for PSNH's, or its successor's, existing New Hampshire firm wholesale and transmission utility customers.

2 New Subdivision; Public Utilities Commission Approval Required for Certain Purchases. Amend RSA 374 by inserting after section 56 the following new subdivision:

Purchase of Capacity

374:57 Purchase of Capacity. Each electric utility which enters into an agreement with a term of more than one year for the purchase of generating capacity, transmission capacity or energy shall furnish a copy of the agreement to the commission no later than the time at which the agreement is filed with the Federal Energy Regulatory Commission pursuant to the Federal Power Act or, if no such filing is required, at the time such agreement is executed. The commission may disallow, in whole or part, any amounts paid by such utility under any such agreement if it finds that the utility's decision to enter into the transaction was unreasonable and not in the public interest.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the public utilities commission to determine whether an agreement executed by the governor and the attorney general, on behalf of the state of New Hampshire, and Northeast Utilities on November 22, 1989, relating to the reorganization of Public Service Company of New Hampshire, is consistent with the public good. If the commission determines that the agreement is consistent with the public good, it shall establish and place into effect levels of rates and the fuel and purchased power adjustment clause to be maintained by Public Service Company, or its successor, in a manner consistent with the agreement.

If an alternative reorganization plan, which is any reorganization plan filed in the Public Service Company (PSC) bankruptcy case other than the Northeast Utilities plan, is filed, the commission is authorized to implement such an alternative reorganization plan, as long as it will result in the same or lower costs and risks to ratepayers as those which would have resulted from implementation of the agreement.

Under this bill, the commission is to establish a temporary retail rate increase, effective January 1, 1990, of 5.5 percent, either under the agreement or under an alternative reorganization plan. This temporary increase in revenue is to be held in escrow by an escrow agent approved by the commission and disposed of as provided in the approved agreement or plan.

Once the commission approves and implements the agreement or an alternative reorganization plan, it may not alter or modify its implementation of such agreement or plan, including any rates fixed thereunder.

This bill also requires the public utilities commission to establish a 5.5 percent temporary rate surcharge, effective January 1, 1990, for the retail electric rates of the New Hampshire Electric Cooperative, Inc. to be held in escrow. The bill authorizes the public utilities commission to approve a rate plan proposed by the New Hampshire Electric Cooperative, Inc., if such plan is consistent with the public good. If no plan is approved within 90 days of the effective date of a PSC bankruptcy plan, the temporary rate surcharge shall terminate and the revenues collected shall be returned to customers.

This bill prohibits, during the fixed rate term of an approved agreement or plan, a change in the allocation of base rate revenue responsibility among residential, com-

mercial, industrial, municipal customers, in effect as of September 15, 1989, unless the commission finds that due to peculiar circumstances such allocation is unjust and unreasonable and the legislature approves such a finding.

The bill requires legislative approval for any modifications in an approved agreement or plan made in accordance with such agreement or plan which could potentially increase rates.

The bill insures that nothing in an approved agreement or plan shall restrict access to PSC's, or its successor's, power supply and transmission resources for PSC's existing New Hampshire firm wholesale and transmission utility customers.

The bill also adds a new provision to the law which requires each electric utility which enters into an agreement for a term of more than one year for the purchase of generating capacity, transmission capacity or energy to furnish a copy of such agreement to the commission when the agreement is filed with the Federal Energy Regulatory Commission or at the time such agreement is executed, whichever is appropriate. The commission may disallow amounts paid by the utility under the agreement, if the commission finds the transaction was not in the public interest.

Reps. Jacobson, Lefebvre, Braiterman, Dunn, Hollingworth, Leonard Smith, Dube, Baldizar, Lozeau, and Densmore spoke against the bill.

Rep. Dube yielded to questions.

Reps. Stiles, Rodeschin, David Wright, Ward, Ann Torr and Phelps spoke to the bill.

Reps. Wright and Phelps yielded to questions.

Rep. Vartanian: Thank you, Mr. Speaker. I rise in support of the Committee amendments to HB 1, as its sponsor. Since January 28, 1988, the day that PSNH filed for protection under federal bankruptcy laws, New Hampshire's energy future has been in jeopardy. The rates charged by our largest utility have been uncertain, businesses have been unable to plan for their energy budgets and consequently have been unable to view New Hampshire as a stable economic environment for expansion. Residential consumers have been exposed to the risk that industrial customers would leave the state or develop alternative sources of electricity and leave residential ratepayers with much higher rates that they cannot afford. As you now as of yesterday in a series of late-breaking developments, PSNH withdrew from the bankruptcy and came out in support of the reorganization plan that was offered by Northeast Utilities. This is the most critical event of the long and torturous PSNH bankruptcy because we are now in the position to begin New Hampshire's bright new energy future. It is hard to believe that we hold the key to the end of the bankruptcy which has plagued this state's citizens for so long. The Governor, the House and Senate leadership, the state negotiating team and our bankruptcy advisors have now brought to us an end to the bankruptcy which ensures New Hampshire's control and offers significant protection to ratepayers. HB 1 is necessary to permit New Hampshire to realize the benefits of the Northeast Utilities plan and the rate agreement signed between the state and Northeast Utilities. The NU plan and the rate agreement which is the subject of this legislation returns financial viability to our largest electric utility. It ensures that PSNH will be subject to regulation by the New Hampshire PUC. It assures that New Hampshire's energy requirements will be met. It establishes predictable electricity rates that track expected inflation. It calls for NU to provide its extensive nuclear management skills for the purpose of operating Seabrook and finally it creates consensus in the bankruptcy proceedings. Just in the last few days through the efforts of legislative leadership, we have seen the legislation become greatly improved for ratepayers. Since the

amendment printed in the calendar incorporates the Committee amendments, I will review for you the four specific amendments which the Committee added. If you would like to follow along in the calendar starting on page 3113. In paragraph 362-C:8, we have included a provision relating to rate redesign. Many people were concerned that residential customers would suffer because the PUC would redesign rates so that businesses would pay less than residential ratepayers. The rate design ensures that no rate design can hurt residential customers during the seven-year fixed rate period. In paragraph 362-C:9, we have included a provision which ensures that any amendment to the rate agreement which would affect electricity must first have legislative approval. Thus, the fear that some have had concerning the ability of the executive branch to single-handedly change electric rates has been addressed. These two first amendments that I'm speaking of definitely strengthen legislative oversight. They were the outcome of serious negotiations by the Speaker and the Senate President in conjunction with the bankruptcy negotiating team to ensure that we as the legislature have a role in what happens with rate design. We did not want to leave our customers bereft. It's time that we as the legislature begin to play a role in that. In 362-C:10, we have included a provision in HB 1 which protects all New Hampshire utilities' existing access to transmission resources. This amendment protects smaller electric companies such as Concord Electric, the Exeter-Hampton, Granite State Electric Unitel, other companies-Ashland, so that they will have equal access. There was a concern expressed along the way that transmission lines that are a valuable asset of the New Hampshire electric service system would not be utilized equally across the board to all New Hampshire wholesale firms and we made an effort to tighten up this provision as well. In 374:57, a new subsection has been included, a provision in HB 1 that any power purchase or energy agreement of longer than one year shall be approved by the PUC. Again this was an effort to strengthen legislation, this tracks court case law which is already on the books. It says that the PUC will have review of energy agreements that take place with longer than one year's duration. Under that process if the PUC feels that any of those rate charges are unjust or unreasonable, they can throw out that portion of the agreement. So that is an important adjustment in terms of the PUC oversight. Those were the amendments that we made to the original bill as it was printed.

Since the bankruptcy court assumed control of this case almost two years ago, we in New Hampshire have not had control of our largest utility. We are somewhat like someone who has been sitting in the backseat of a vehicle which is the bankruptcy law being chauffeured by the bankruptcy judge and we're sitting in the backseat with our seatbelts buttoned. It's time for us to get in the front seat and to take the opportunity that we have now. This opportunity embodied in this legislation will allow us to regain control of New Hampshire's energy future. If we pass this legislation, we will approve an efficient process which will enable the PUC and not the federal bankruptcy court or the Federal Energy Regulatory Commission to control our largest utility. If we fail to enact this legislation, we will essentially be giving up our New Hampshire control of PSNH. Our bankruptcy experts advise us that the carefully negotiated consensus that the NU plan represents would unravel. In that event it is guaranteed that we would be faced with a Seabrook rate case or a FERC rate case which would seek rates that are substantially higher than those proposed under the rate agreement. It is also likely that the state would be embroiled in years of expensive litigation. More importantly it is a fact the federal bankruptcy court and not New Hampshire would continue to control our largest utility. Contrast this to HB 1 which guarantees

rate predictability and stability and New Hampshire control. In my view we cannot afford the risks that would result from our failure to pass HB 1. It is the approach which has earned the support of many and diverse interests. The leadership of Governor Gregg on this issue, his insistence that the New Hampshire ratepayer be represented in the bankruptcy proceeding and an extraordinary effort by the state's negotiating team led by Attorney General Smuckler started the ball rolling. This New Hampshire snowball began to gain in size when the legislature under the direction of Speaker Scamman, the expert guidance of Michels & Michels, our negotiating legislative counsel, shouldered the responsibility for this legislation. The New Hampshire Electric Cooperative is helped, small electric companies are helped by this bill, even the consumer advocate has said that it's good for consumers. New Hampshire's largest electric utility is in bankruptcy, but we now have before us an opportunity to resolve that bankruptcy with reasonable rates, reasonable management, reasonable protection for ratepayers and all subject to primary regulation by New Hampshire's PUC. I strongly urge the House to support this legislation. Let's put the dark cloud of PSNH bankruptcy behind us and emerge into the bright light of a newly-energized and prosperous New Hampshire.

Rep. Spear: Thank you, Mr. Speaker. I rise in opposition to the pending motion. I oppose this legislation for two reasons. First, I feel it's a bad deal for consumers. And second, I feel that there are alternatives available. The proposed 45 percent rate increases over the next few years is on top of some of the already-highest electric rates in the country that we are now paying. The rate plan includes several loopholes which could lead to even further rate increases without legislative approval. But I think what's most distressing is that the reason for the rate increases is to pay off the junk-bond holders who knowingly and intentionally made high-risk investments at 22 percent profit rates. The rate increases will go to pay off these Wall Street speculators at 100 cents on every dollar plus interest. Some of these bonds were purchased at only 50 cents on each dollar yet these people are being paid back 100 cents on each dollar plus interest on that 100 cents. This is unheard of in a bankruptcy proceeding. It's clear that the creditors are driving this plan and we are being asked to go along for the ride. It was the creditors who picked this plan so that should tell you something about who it favors. Take another type of bankruptcy, maybe an airline, for instance. The price of the airline ticket doesn't go up to pay off the creditors. They tell you that this is different because it's a public utility, not a private industry. But the only difference is that they see our constituents as deep pockets. And I want to tell you that I went to one of the local briefings where a Northeast Utilities representative said he felt the federal taxpayers were deep pockets. Well, I wonder if that's what he thinks about our constituents, too. And even so I don't think that's the kind of attitude we want for a utility company in New Hampshire. You have already been told that the Consumer Advocate of the PUC supports this plan. Well, under our current statutes the Consumer Advocate's position is appointed by the Attorney General. That's who led the negotiation process in this bankruptcy so what do you think he's going to say about it? You have been told a defeat of this plan will be disaster. Of course, everybody wants the bankruptcy settled but not if it means voting for a bad deal. This plan does not put the bankruptcy behind us, it locks it in for ten years and we lose control. We are being asked to set aside our state laws before we even really understand the impact of this plan. This plan is not the three-page legislation before you, this plan is about 600 pages long. The plan becomes law and it does the rate setting, not the PUC and not

us. The plan becomes law without our state laws anymore. The minor changes made yesterday are merely cosmetic. They do not improve the plan in favor of ratepayers more than a very minor degree. As for the alternatives, number one, the bankruptcy court judge stated in his own ruling that he does not have the power to set rates. That's in his decision and I can read that sentence to you if anybody is unclear about that. Number two, the utility cannot just march down to Washington and get an automatic rate increase from FERC. This is a very long and tedious regulatory process that I don't think anybody wants to undergo, least of all FERC, if the state doesn't want our utility to become FERC-regulated. I suggest that we ask the state negotiating team to sit back down at the table and get us a better deal. Turn this down, we can get a better deal. We must demand a more equitable sharing of the risk for our constituents. I urge you to think about the interests of those who elected you, not the creditors, not the shareholders, not the lobbyists, not the utility executives; the ratepayers. Those are the people who put you here and those are the people whose interests you need to vote for when you vote today. Please vote no. Thank you.

Rep. Weymouth (speaking in favor): Mr. Speaker, we are faced with the vexing circumstances of having on our hands, a public utility enshrouded in the rigid and sometimes autonomous controls of the federal bankruptcy laws and which has for many years been the centerpiece of an environmental twister of uncontrolled fury further aggravated by the strong, unbridled winds of state and national politics. Though proven somewhat less than adept at dealing with these legitimate public issues, it has nonetheless been staffed by good and able and forward-looking people who are now overwhelmed by this raging storm. In tandem with all of this recognition must be given to the plain fact that nowhere do we find the economic, political, judicial or corporate support needed to assure a continuing public service company as we have known it. It is one thing to dream, quite another to face the cold world of reality. Indeed, we must not hazard a repeat performance of the trauma of the past several years. HB 1 comes to us not as a perfect plan. There are no perfect plans. But as a survivor of a rigorous culling out process which has involved at least three other competing proposals, it has weathered an exacting screening process conducted by a state negotiating team composed of competent professionals whose reputations for high ethical standards cannot be challenged. Finally, it has suffered the fiery crucible of our own legislative process resulting in amendments and understandings which establish truly meaningful additional protection for our ratepaying citizens throughout the life of the plan. It has been said that the mills of the gods grind slowly, but they grind exceedingly fine. I submit, Mr. Speaker, that the time for handwringing is over. The time has come to close the door on this worrisome adversity and look to the future united. Accordingly, with confidence, I will cast my vote in favor of HB 1. This journey has been long and difficult and often frustrating, testing the mettle of the most sturdy and patient amongst us. Even so, as one reviews the stocks along the way sometimes scheduled and sometimes not, but always so typical of the way we unashamedly are, one is reminded of a little jingle that Senator Cotton so very much enjoyed reciting: The songbirds sing the sweetest in New Hampshire. The flocks and kind are neatest in New Hampshire. The thunder is the loudest, the mountains are the grandest and politics the damnedest in New Hampshire. I thank you.

Rep. Densmore: Thank you, Mr. Speaker. I rise in opposition to HB 1. We have before us a package from the Governor and creditors which we should reject. They have not adequately balanced the public good against the interest of other economic

interests. We have a plan that sets aside our regulatory process for ten years. You today can turn on new lights. You can start the wheels rolling to a fair and secure resolution to this problem. By defeating this legislation we can send a message to the court that we want to keep bidders at bay and the public good as a consideration.

Because this plan is so out of whack with what is fair to our citizens, we, the legislature, must play a stronger role than our governor has by rejecting this agreement. There is no compelling need for us to abdicate our ongoing rate-setting authority and there is no compelling need to give away the store at this time. Give this uncaged animal back to the court. Let the judge find out that we think the rates are too high and the protection to the New Hampshire ratepayer is too low. Please vote no on HB 1.

Rep. Phelps: Thank you, Mr. Speaker and members of the House. I rise in support of HB 1 which is no surprise to any of you, I'm sure. Today we are gathered to resolve the worst potential economic blight that has affected our state in recent years: the bankruptcy of our largest utility. We all know why we are here. We've all gotten phone calls; we've all gotten literature; we've had the opportunity to go to the public briefings and hopefully to have most of our questions addressed. I wish we didn't have to be here. This is not an area that any legislator is comfortable dealing with. But because of politics and poor management and whatever else, our once strong, dependable and profitable public utility is now weak, uncertain and bankrupt.

There is no need or benefit to point fingers at those parties who are responsible for this bankruptcy for they know who they are. Although some trumpeted that bankruptcy is the salvation for the ratepayers, they are now battling this plan knowing full well the disaster they have created but they still offer no viable solutions. I say to them, you can run, but you cannot hide from the terrible chaos you have contributed to.

But today we must work together for the good of our state to constructively, and I emphasize the word constructively, settle this issue within the parameters established by the bankruptcy situation with a plan that is acceptable to all parties in this bankruptcy. We do not have the best deal possible before us today. We do not have that deal because we are in a bankruptcy situation. We're not in control. I put it kind of like we are used to driving the car, but this time we're only a passenger in the car. The bankruptcy judge is the driver, but he has allowed us to be passengers and by allowing us to be participants in spite of our lack of legal standing in the current bankruptcy laws, we are here today as partners in resolving this issue. He has also stated that he wants this resolved quickly and that there are plans available that will resolve it.

Bankruptcy law does not allow for a third party such as the ratepayers group to participate and in his order of November 30, 1989, the judge clearly stated: "Congress, in my judgment, has specifically drawn the line by its enactment of the bankruptcy code provisions here in question which requires that the federal interest prevail because it perceived the stalemate that would result if it tried to give full effect to both the federal interest and the state interest in the context of a regulated utility debtor forced to come into a federal bankruptcy court. And the very fact of the PSNH Chapter 11 filing demonstrates that in this instance, the state regulatory system failed to effectively balance all economic interests. Congress could have reasonably concluded that preemption was necessary and appropriate to be accomplished in the federal form free from the time delay and other restraints of otherwise applicable non-bankruptcy law. The financial interests of ratepayers, one of these constituencies while important,

does not supersede the financial interests of all other economic interests necessary to an appropriate balancing of competing interests in a successful reorganization."

He concludes that Congress did intend to remove state regulatory agencies from the restructuring transactions necessary in any complex reorganization to avoid the time delays, confusion and interference with prompt and orderly processes to an effective organization before the patient dies.

But in spite of his strong words, Judge Yacos has allowed us to be a party to the resolution to this black eye on our state, but urges a prompt resolution and the state's failure to act could cause him to take control of the situation through a long 22-month process. We have before us an agreement that all parties can live with. No one got everything they wanted; not the creditors, not the Equity Committee and not the ratepayers or the state. Everybody compromised but we, being political leaders in our state, surely know what compromise is. Everybody agrees the resolution of this as quickly as possible will be in our best interest and critical to maintaining our strong economic viability in our economy. In our own vernacular this is crunch time and we must take a tough vote on a tough issue, a vote that must be made weighing the benefits of settlement against the alternatives, or better put: picking the lesser of the evils. There is something in here for everyone to dislike, but we must look at the collective effects and vote on that.

This is not a vote to be taken lightly or based on emotions or popularity poll. If passage fails, let me list a few of the alternatives that have been described. We could have the loss of state regulatory control through the Federal Energy Regulatory Commission. We don't want to do that. Under this bill we will not lose that. There could be extended uncertainty through continued litigation. We've been through 22 months of uncertainty; 22 months of litigation. I believe the number is now \$15 to \$20 million in legal expenses and further continuation of that benefits no one.

If the Seabrook nuclear power plant comes on line, and it's very well expected that could happen in the next few months, the anti-CWIP law would not prevail. We would be required to pay \$2.9 billion instead of the \$700 million within this bill for the plan. That would cause rate shock. It would make all of our heads spin. The judge could establish values which would therefore establish rates and that by itself would likely be higher and more expensive as well.

All of the alternatives are disastrous to our economy and are less attractive than the already, I admit, less-than-attractive package before us today. But we can live with the agreement we have before us and it is fully expected to be acceptable to the judge as well as to the Equities and Creditors Committees. We are assured of guaranteed power for 10 years, with or without the Seabrook power plant on line; competent and experienced management; affordable rates without rate shock; and state rate-setting authority. The rate plan agreed to has been amended further by our Legislature to give us the added strength. There were four amendments to the rate plan, not to the bill, that in the event that there is a renegotiation with the small power producers, the percentage of savings to the state will increase from the 75 percent in the original agreement to 90 percent. There is what is known as a return on equity collar, a rather complicated item, but it amounts to any profits in excess of 13.25 percent will be returned to the ratepayer. The original agreement had a mechanism where over 14.5 percent was returned to the ratepayer.

Also, the bottom end of that profit collar which, by the way, doesn't go into effect for the first three operating years so they can take whatever losses they have to the first three years and it won't affect our rates at all. The bottom end of the collar was

set at 8 percent in the third year. That has been moved out to the fourth year to give us one more year. And the other rates which had increased are now increased at a lower rate for the bottom of the collar. Currently, Public Service is allowed a 15 percent return on equity. This agreement allows a maximum return on equity of 13.25 percent. These savings in the collar adjustment in the small power producers were negotiated through the Legislature as amendments to the rate plan. Yesterday's agreement by Northeast Utilities with the employees and Public Service's decision not to pursue the reorganization itself anymore has certainly assisted us in removing some of the questions that have been raised in the last few weeks by the employees and by the question of the New Hampshire plan. The New Hampshire plan doesn't exist and the employees have been given guarantees of employment for 18 months and then a 12-month severance agreement package after that if indeed there are layoffs, but none are anticipated. I would only submit that if you were working for Digital right now, 18 months would look darn good. Let us put this three years of litigation and uncertainty behind us and settle this issue here today.

Before I conclude I would like to address a few of the remarks that were made on the House floor to try to answer some questions and I would be happy to try to answer questions afterwards. The comment was made that the junk-bond holders being repaid a dollar on a dollar, plus interest. They aren't getting quite all of it, but they are getting more than I would like them to get. However, we are in the bankruptcy court which is dictated by federal law and unfortunately this is why bankruptcy is bad. We are not in control and that's the way it falls on this one. Somebody made a comment that that was unheard of in bankruptcy. Well, a public utility going bankrupt is unheard of as well. We are in a unique situation. Many people criticized the present deal before you, but no one has offered an alternative. No one has said anything except go negotiate some more. They have negotiated. I assure you that the state negotiating team did the best they could for the state. They all live here; they pay the light bills here; and they raise their families here. They care as much as we do. They feel they have the best deal they could get and I don't believe we could go back again and get a better one. I don't believe we have the opportunity to go back again because the judge in his preemption order, the 88-page preemption order, basically has said you have a deal before you. Consider it because I want this thing over with—88 pages citing caseload after caseload where he believes he has the federal power to take over the regulatory control if necessary and set the values which would, therefore, establish the rates. Liquidation was mentioned.

Liquidation of the company is not something we want. We don't want to see the pieces broken up. It probably would be worth more parted out: the generating plant, the transmission lines, the customer accounts. It probably would be worth more but that's not an alternative. That would be total chaos for all of us.

A very serious question was raised about storing nuclear waste at Seabrook. There is no doubt that we will be storing the nuclear waste from the Seabrook power plant there but I can assure you, and the people from Northeast Utilities can assure you, and the negotiating team will assure you, that there will be no nuclear waste stored in Seabrook from any other plant than the Seabrook nuclear power plant. As soon as a proper sight is located, I am sure it will be removed from Seabrook as well. That is an attempt to bring an issue into this which hasn't been an issue and I am afraid that it has no credibility in this venue. Northeast Utilities has sufficient storage capacity in its own nuclear power plants in Connecticut. The last thing it needs to do is to truck it up to New Hampshire.

The question was brought up about implementing the power authority. Well, the public power authority might be an alternative if there was no agreement on the table. There is an agreement on the table. All parties have agreed to it. Today we are asking you to agree to it to get this thing out of the way. If we were to put the power authority into effect, we would have the property by eminent domain. We would have to pay the fair market price. That has been determined to be \$2.3 billion. The savings would not exist.

The question was raised about \$20 million that was approved by the Governor and Council for pollution control equipment at Seabrook. That is a \$20 million tax-exempt financing bond guaranteed by the Industrial Development Authority of the state of New Hampshire. Those bonds have been used all along during the construction of Seabrook. At one point, I believe Public Service had \$125 million worth of those tax-exempt bonds. They are used in the state. Guarantee on the credit is given because it's a cheaper way to get the money. It lowers the cost because we have such a favorable credit rating.

Another question was raised about whether the legislature was going to set future rates without hearings before the PUC. The answer is no. If the legislature is involved in the rate-setting process at all, it will be after the PUC has had hearings and made its recommendations through us.

A question was raised about where is this supply of energy coming from in the event that the nuclear power plant doesn't go on line. Northeast Utilities has sufficient capacity with its own generating facilities. The Millstone nuclear power plant and others provide for our needs as well as its own needs well into a 20-year period. We are doing some long-range electrical-needs planning here today. We are signing a 10-year agreement. We hope it's the right one. It's the best one we've got before us today, but it's a way out; to go forward with our lives, to settle this issue and get rid of the black eye that is before us today.

The question was raised about whether the 5.5 percent increases are a minimum. They can fluctuate. There's been no secret about that. Within the estimated 5.5 percent rate increases for the first seven years, there is a projection that fossil fuel costs will increase by 8 percent. If they increase by more than that 8 percent, then they will have to go back to the Public Utilities Commission and go through the regular motions to get a rate increase. If the legislature or a federal agency or a state agency passes laws or changes regulations to the point where they would experience a \$20 million capital expense increase or a \$2 million operating expense increase, they would be entitled to go back and ask that they be included within the rate and that could also affect the 5.5 percent rate increase. I remind you all that the 5.5 percent will be for seven years and then three years without any increase. So, that figures out to about a 4.5 percent rate increase over the 10-year period.

Somebody brought up the question of our State Legislature's right to negotiate in a bankruptcy. We don't have a right to negotiate in a bankruptcy. That's why a bankruptcy was never any good for us or our ratepayers. We are the third party or the fourth party or the fifth party, whatever you want to call us. We're not at the top of the list. I would like to be driving that car today, but if you think we are, you are only kidding yourself because we're only passengers and only then at the courtesy of the bankruptcy judge.

Serious questions were raised about the bankruptcy judge's power within this proceeding. There is a priority list about how people get compensated within a bankruptcy. The secure credit holders get paid first. The unsecureds and the creditors get

paid second, then the equity with the stockholders of the company gets paid next. In this case, there was sufficient value within the assets of Public Service of New Hampshire to pay them. It's that simple. The money was there. That's why they got paid. They had contracts. They had legal obligations. They were promised certain money and they received it. Do I like it? No. I don't like the fact that they got almost a dollar on a dollar, plus interest. Can I do anything about it? I wish I could, but I recognize that I can't. There was a \$1.4 billion loss taken by the equity of the creditors in this, on the nuclear power plant.

Today, we are buying the nuclear power plant at a fraction of what it costs. Yes, we may be buying something that doesn't operate, but in all likelihood it will operate. When it does operate and produce electricity, the cost of that electricity will be significantly reduced because of the \$1.4 billion loss that has been taken by the investors in Public Service.

The comment was made about the judge and that he could not establish rates. That's absolutely correct, but he can establish where the rates are going to be set; where they are going to be set within the Public Utilities Commission; or where they are going to be set within the Federal Energy Regulatory Commission. He can also establish the values upon which the rates will mathematically be computed. The judge can say this operation is worth \$2.3 billion and the rates will fall forward. That's really what we have anyway.

A very misleading statement was made about \$400 million being held by junk-bond dealers in five different names. I don't know the names of those five different names, but we've all heard of mutual funds, banks, insurance companies and brokerage houses. Many of you have investments and the state of New Hampshire does. Your library association does. Your towns do. Those are the five names. If you think there are five rich people sitting on Wall Street who are waiting for their checks to be cut, don't kid yourself. We're probably talking about hundreds of thousands of names. That statement was inflammatory and intended to mislead you. I just want you to be correct on that.

Again, all the questions have been raised, but no alternatives have been offered. We need to settle this bankruptcy. This is the best of a lot of bad options, but today we've got to show leadership and do what is best for our state. Resolve this issue and get on with it.

I would like to thank publicly the negotiators: Norman Stahl, Larry Smuckler and Pat Oliver and our legislative attorneys, John and Nancy Michels for a very difficult job. Dealing with 424 members of the New Hampshire Legislature is a monumental feat by itself and we all know that anyway. When you've got to deal with a bunch of junk-bond dealers and try to negotiate the differences and the places and the people that were involved, it just makes that task even more monumental.

And so again, I thank them for their hard work. I would be very happy to answer any questions that anybody has. If I can't—if it's a technical question—I will refer it to the Michels and they will give me the answer. Thank you very much.

Rep. Chambers: My brain is spinning around; I know yours must be, sitting there trying to follow all of this and everything that has been said. But, Mr. Speaker, I have arrived to speak in opposition to HB 1. There is a lot of confusion about what is really happening here today; and I know many of you are concerned about it and you all should be. It's clear what we are going to be doing. If you would read the legislation, let's not think about the agreement right now, just read the legislation; we essentially

are giving the authority to the PUC to accept the agreement and to be sure the agreement is fulfilled and that we will meet the agreement. We sit here and vote on behalf of all our constituents, saying to them by our vote, we are going to force you to meet the demands of the agreement. When we do that, when we pass this legislation, the agreement goes into effect, the PUC having said that "yes" we should do this, and then we walk away. The door is slammed; ten years, we're shut out from Northeast business dealings. The business dealings are written in the documents. You can read them, you can try to understand them, but the bottom line is the documents are what are going to insure the company profit and also insure that the people that vote for you pay the bill, that's the bottom line. Any other language doesn't really have a significant impact on what happens and what we have done or what we will be doing by voting is really saying to the company, you got your bargain, the laws don't apply to you, we're going to see that you get paid. So what we sit here as a legislature today and what we are asked to do is to be sure that our constituents' pocketbooks are open, because that's what we've done. They are going to get a lot of reminders of what we do today. Ten years of reminding; 120 notices. Every time the electric bill arrives, they are going to see it. You'd better be sure you know what you're doing because this is not something that we can do and walk away from and people forget about it. We're not putting this behind us; we're sticking it out there in front of us and for 10 years it's going to have an impact on the state. If you really believe that this is a good deal, that the value for this company is correct, that Northeast is going to supply us with energy we can afford, I guess you can vote for it. There are so many questions about what is ultimately going to happen as we move away from this date, I could not possibly risk the economic health of this state by saying that this is a good agreement. Everyone says that we don't have any other choice, but wait a minute, what have we got before us? What is the agreement? The agreement is a document that sets the value of a company and that value is set by the creditors and the state came along and said yes, we'll take that value. The judge didn't have anything to do with this. And when NE Electric said, this is getting too rich a deal, we're getting out because we can't charge reasonable rates and pay for this deal, it should have told us something. And it should have told the negotiators something. There's no deadline from the court to force us to do anything. This is a phony deadline, the deadline is if you don't start collecting the 5.5 percent increase on January 1 of this year, that means we're going to have to get a higher increase later in the year. Isn't it worth waiting a bit? And giving this another shot? This is a very expensive proposition for the state of New Hampshire and when you examine the electricity costs of this service area now against NE Electric's service area in the state, you can understand why NE Electric pulled out. Where I live, I get for \$40, what Public Service Company gets for \$51. That's a big difference. You tack on 5.5 percent a year and what's going to be the differential in a few years. This is all in-state, it does not even speak to surrounding states. This is a very expensive proposition. I cannot believe what is going to be a monstrous bill in a few years, the state can remain competitive economically in New England. That's what worries me the most. And I think that if we don't have faith in ourselves, that we can drive a harder bargain. This is the last forum. This is the forum that counts because these are the bill payers we represent. We're not representing junk-bond holders. We're not representing creditors. We're ordinary people who have to live with our neighbors who must pay these bills. We have to live with the businesses that must pay the bills. They are there in the communities with us. Don't we owe them just one hard last attempt to say we've got a better deal for you? What is there to lose? Once the value

got over \$1.9 billion. you saw people starting to bail. Why is this company willing to pay \$2.3 billion? I'm sure that some of you that have traded horses in your past would understand that this is a bad deal. This is not a good deal. And we walk away and all we got in the amendment to HB 1 was saying instead, if the company wants to make a change in the contract and the state agrees to it, they have to bring it in here and let us approve it. That's no protection. The company is still driving the bargain. This company is going to make a horrendous amount of money, and if we look back on this day as the day that we gave away the economic vitality of New Hampshire because we were frightened that we couldn't drive a harder bargain, we don't deserve to live here. This state, over the years, has proven it can take care of itself, we take pride in our local communities of what we do, we take pride in driving hard bargains and getting a value, a real value for what we spend money for. Don't let the junk-bond dealers of this country put us over a barrel and put a stranglehold on us for 10 years that is going to kill our economy and the capacity of our people to make a decent living. There's too much at stake here and political expediency cannot today be the determining factor. You are going to look ahead for 10 years at a huge decision today if this gets passed; and you're going to have much time to regret it. I urge you to vote "no."

A roll call was called for. Sufficiently seconded.

YEAS 217**NAYS 147****YEAS 217****BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Locke, Matthew J.
Rosen, Ralph J.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Turner, Robert H.

Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Daly, Robert J., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Chase, Russell C.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hill, Douglas E.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald

Buckley, C. Fitzgerald
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Markley, J. Keith

Bennett, Shirley M.
Dow, David
LaMott, Paul I.
Rose, William B.

Scanlan, David M.
 Teschner, Douglass P.
 Ward, Kathleen W.

Shackett, Ralph E.
 Townsend, Howard C.
 Weymouth, Philip H.

Stewart, Roger
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet Gail
 Bowers, Dorothy C.
 Cox, Gladys M.
 Dyer, Merton S.
 Fields, Dennis H.
 Grip, Robert H.
 Hultgren, David D.
 Kelley, Robert N.
 Lachut, Ervin R.
 Lown, Elizabeth
 Messier, Irene M.
 Perham, Lester R.
 Riley, Frances L.
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Wihby, Linda S.

Alukonis, David J.
 Barry, Vivian
 Brady, Carolyn L.
 Desrosiers, William J.
 Elliott, Larry G.
 Ford, Nancy M.
 Harlan, Susan N.
 Hunter, Bruce F.
 Klose, John F.
 Lawrence, Eva M.
 Mason, Howard F.
 Ouellette, Robert O.
 Provost, Gilles R.
 Sallada, Roland A.
 Steiner, Lee Anne
 Tyree, Paul M.
 Wright, George W.

Amidon, Eleanor H.
 Bicknell, Robert C.
 Cowenhoven, Garret P.
 Dodge, Emma M.
 Emerton, Lawrence
 Goulet, Maurice E.
 Holden, Carol H.
 Jasper, Shawn N.
 Kurk, Neal M.
 Lawrence, Norman B.
 McNERNEY, Daniel P.
 Pappas, Toni
 Record, Alice Barnard
 Schneiderat, Catherine
 Stiles, Walter A.
 Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Kidder, William F.
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.
 West, George M.

Bardsley, Elizabeth S.
 Gilbreth, Robert M.
 Hayes, Robert C.
 Lockwood, Robert A.
 Pantzer, Eugene
 Shaw, Randall F.
 Teague, Bert
 Whittemore, James A.

Boucher, Laurent J.
 Hager, Elizabeth
 Hill, Michael
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Smith, Gerald R.
 Tolpin, Richard W.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Hoar, John, Jr.
 King, Roger C.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Palazzo, Frank J., Sr.
 Roulston, Donald L.
 Seward, Russell G.
 Skinner, Patricia M.
 Sytek, Donna
 Warburton, Calvin

Benton, Richardson D.
 Bucu, Stephen
 Cote, Patricia L.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Parr, Ednapearl F.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Welch, David A.

Boucher, William Paul
 Chase, Lawrence A., Jr.
 Drake, Herbert R.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Johnson, Robert A.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McCain, William F.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Senter, Merilyn P.
 Simon, Peter M.
 Stachowske, Vicki
 Vartanian, Elsie
 Wright, David B.

STRAFFORD

Appleby, James E.
Flynn, Edward J.
Marston, Robert E.
Musler, George T.
Swope, Warren L.

Bickford, Drucilla
Foss, Patricia H.
Martling, W. Kent
Parks, Joe B.
Torr, Ann M.

Flynn, Anita A.
Frechette, Roland A.
Meserve, John H.
Stewart, Glenn W.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Peyron, Fredrik

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Flint, Gordon B.
Middleton, John A.
Schotanus, Merle W.

NAYS 147**BELKNAP**

Maviglio, Steven R.

Rice, Thomas, Jr.

Richardson, Lawrence

CARROLL

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
LaMar, David M.
Pratt, Irene A.

Blacketor, Paul G.
Eaton, Daniel Adams
Matson, William R.
Spear, Susan

Cole, Kenneth A.
Foster, Katherine Davis
Pierce, David A.

COOS

Mayhew, Josephine

Oleson, Otto H.

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.

Chambers, Mary P.
Guest, Robert H.

Copenhaver, Marion L.
Nordgren, Sharon

HILLSBOROUGH

Andrews, Frederick B.
Beaupre, Roland O.
Burkush, Peter
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Foote, Herbert N., Sr.
Green, Scott E.
Hall, Betty B.
Jenkins, Mary
Kress, Gloria W.
Lefebvre, Roland J.
McCarthy, Daniel
Moore, Elizabeth A.
Nardi, Theodora P.
Pepino, Leo P.
Rheault, Lillian I.
Smith, Leonard A.
Turgeon, Roland M.
Young, Willard N.

Baldizar, Barbara J.
Boucher, Lionel R.
Cote, David E.
Domaingue, Jacquelyn
Drolet, Paul L.
Dykstra, Leona
Frank, Nancy G.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Johnson, Lionel W.
Kuchinski, Steve
Lozeau, Donnalee
McDowell, James E.
Morrissette, Roland
O'Rourke, JoAnne A.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Soucy, Lillian E.
Upton, Barbara Allen

Barry, William M.
Bourque, Ann J.
Culbert, Patrick
Donovan, Francis X.
Dube, Ellen C.
Flood, Jacqueline J.
Gerow, Sezen M.
Haettenschwiller, A.
Jean, Romeo W.
King, John A.
Leclerc, Charles J.
McCann, Bonnie Lou
McRae, Karen
Murphy, Robert E.
Packard, Bonnie B.
Reidy, Frank J.
Rodgers, G. Philip
Toomey, Daniel
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy
Carter, Susan D.
Fair, Patricia A.
Jacobson, Alf E.
Soldati, Jennifer

Asplund, Bronwyn L.
Bennett, J. Allen
Daneault, Gabriel
Fillion, Paul R.
Johnson, C. William
Trombly, Rick A.

Barberia, Richard A.
Braiterman, Thea
Dunn, Miriam D.
Holmes, Mary C.
Lewis, Mary Ann
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Caswell, Albert, Jr.
Gage, Beverly A.
Kane, Cecelia D.
McGovern, Cynthia A.
Remick, Barbara R.
Sanderson, Patricia O.
Weddle, Michael Rodney

Blanchard, MaryAnn N.
Conroy, Janet M.
Hollingworth, Beverly A.
MacDonald, Joseph A.
Pantelakos, Laura C.
Ritzo, Eugene
Splaine, John E., Sr.
Wells, Henry E.

Campbell, Eunice M.
Dube, LeRoy S.
Hynes, Carolyn E.
MacKinnon, Nancy W.
Popov, Elizabeth M.
Rosencrantz, James R.
Vaughn, Charles L.

STRAFFORD

Bernard, Mary E.
Callaghan, Robert J.
Keans, Sandra Balomenos
Merrill, Amanda
Scharff, Thomas Edward
Vincent, Francis C.
Young, John B.

Brown, Julie M.
Dionne, Albert J.
Lachance, Douglas
O'Brien, John
Sullivan, Henry P.
Wall, Janet G.

Burton, Wayne M.
Gilmore, Gary
McCann, William H., Jr.
Pelley, Janet R.
Torr, Ralph W.
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
Normandin, Kurt A.
Amendment adopted.
Ordered to third reading.

Harland, Jane A.
Stamatakis, Carol M.

Lucier, Edward A., Jr.

Reps. Knight, Gross, Marilyn Campbell and Pignatelli abstained from voting under Rule 16.

Rep. Burns offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of the bills be by title only and resolution by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 3 at 1:00 p.m. at the joint call of the Speaker of the House and President of the Senate.

Adopted.

LATE SESSION**Third reading and final passage**

SS HB 1, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire.

HCR 1, adopting Joint Rules of the Special Session.

Rep. Harold W. Burns moved that the House stand in recess.

Adopted.

The House recessed at 5:55 p.m.

RECESS
SENATE MESSAGES

Mr. Speaker:

The Senate has been called to Special Session by the Governor and Council. The Senate is assembled and ready to proceed with the business of the 1989 Special Session.

CONCURRENCE

HCR 1, adopting Joint rules of the Special Session.

REQUESTS CONCURRENCE WITH AMENDMENT

SS HB 1, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire.

Rep. Vartanian moved that the House concur.

Rep. Phelps spoke in favor of the motion.

Rep. Chambers: Mr. Speaker, I am here to be sure that something is placed in the record dealing with the question raised because of the drafting of the amendment and the words in the amendment that transportation into this state is prohibited for disposal. Disposal has a very different meaning from storage. I have been told the intent of the amendment is to prohibit any out-of-state, low-level or high-level radioactive waste to be brought into the state for either disposal or storage. It is clear that the swiftness this amendment was adopted does leave some question open. If the House votes, I think that it must be clear the intent of the language of this amendment is to prohibit anything from coming into this state from another state that is their waste and that allows it to be brought into our state for any purpose of disposal or storage, even short-term or long-term.

Rep. Chambers yielded to questions.

The Chair instructed that the remarks of Rep. Chambers be printed in the journal.

Rep. Burns moved that the House stand in recess for the purpose of enrolling reports, and adjourn at the joint call of the Speaker of the House and the President of the Senate.

Adopted.

(Rep. Phelps in the Chair)

ENROLLED BILL REPORT

SSHB 1, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire and prohibiting utilities from transporting radioactive waste into New Hampshire for disposal in New Hampshire.

Rep. John J. McCarthy, Rep. James D. Phelps for the Committee.

Rep. Phelps moved that the House adjourn.

Adopted.

REGULAR SESSION OF 1990

HOUSE JOURNAL No. 1

Wednesday, January 3, 1990

This day, the first Wednesday of January - January 3, 1990 - being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 151st General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 1990 House of Representatives and called the session to order.

Prayer was offered by Guest Chaplain, Father Bayard Hancock, rector of the Church of the Holy Spirit of Plymouth, guest of Rep. Dow.

Almighty God, Heavenly Father, who having created us in Your own image, gave us the freedom and the ability to govern ourselves through representatives freely elected from among the people—we hold up before You now in prayer all those so elected to public office in this State, and especially those elected to serve in this House of Representatives.

As these legislators listen, read, study, debate, amend and vote upon legislative matters to come before them during the legislative session now beginning, we pray that You will keep them ever-mindful of the responsibilities, needs and desires of all those whom they represent as individuals and groups, both organized and unorganized, treating all equally and fairly.

Encourage them to devise and to consider carefully innovative solutions for problems, old and new, resisting temptations to “play it safe” by calling for further study or by adopting minimal measures sure to produce minimal results. Give them Your guidance in recognizing those times and issues when real risk-taking is called for and, indeed, required.

And when the final gavel falls on this legislative session may they be able to look at what they have done with humble satisfaction, discerning both their own hands and Yours in what has been accomplished here. All this we ask in Your Name, Creator of all that exists and God and Father of us all. Amen.

Rep. Murphy led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cooke, Cox, Gagnon, Kincaid, Knight, Pierce, Provencal, Sanderson, Sochalski and Wall, the day, illness.

Reps. Ballou, Beaupre, Blacketer, Braiterman, Callaghan, Marilyn Campbell, Drake, Healy, Hollingworth, Kelley, Markley, Rodgers, Roulston, Stamatakis and Tyree, the day, important business.

Rep. Pratt, the day, illness in the family.

Rep. Pantelakos, the day, death in the family.

INTRODUCTION OF GUESTS

Stella and Kimberly Scamman, wife and daughter of the Speaker; Sharon Bard of Dracut, Massachusetts, guest of Rep. David Wright; Dr. Will Hasbany, guest of Rep. Parr; Helen and Nancy West, wife and daughter-in-law, guests of Rep. West; Mr. and Mrs. Perry Lane and Mrs. Frederick Andrews, guests of Rep. Andrews; Dot Rochette of Merrimack, guest of Rep. Emma Dodge; Jessica Houge and Sarah Smith,

guests of Rep. Searles; Sharon Anderson, mother and guest of Rep. Carl Anderson; Forest Smith of Atkinson, guest of Rep. Flanagan; Chris Wood, guest of Rep. Dow; Silas Bell, guest of Rep. Bell; from the Netherlands, Kase Zeelenberg, daughter Danna, Mr. and Mrs. William Englese, Tabby Dekker and Mary Rose Hoar, god-daughter and guests of Rep. Hoar; Greta Whittemore, Colonel Robert and Ludmilla McCabe of Franklin, wife and guests of Rep. Whittemore; MaryAnn and Don Foster, wife and brother of Rep. Robert Foster.

COMMUNICATION

Mr. James Chandler
Clerk of the House of Representatives

This is to advise you that the following representatives-elect were sworn into office by the Governor and Executive Council on December 20, 1989:

Belknap County District No. 3 (Center Harbor, New Hampton, Sanbornton, Tilton)

Thomas Salatiello, d, Sanbornton (HCR 69, Box 136) 03269

Hillsborough County District No. 46 (Manchester Ward-11)

Rodolphe G. Paquette, d, Manchester (345 Putnam Street) 03102

Sincerely,

Paula S. Penney, Administrative Assistant

Office of Secretary of State

CALL OF THE ROLL BELKNAP COUNTY

- Dist. No. 1 Steven R. Maviglio, d&r
- Dist. No. 2 Vacant
- Dist. No. 3 Thomas Salatiello, d
- Dist. No. 4 Earle D. Hardy, r&d; Charles C. Vogler, r
- Dist. No. 5 Richard H. Campbell, Jr., r&d; Robert S. Hawkins, r; Ralph W. Pearson, r
- Dist. No. 6 Matthew J. Locke, r; Alice S. Ziegra, r&d
- Dist. No. 7 Paul A. Golden, r
- Dist. No. 8 Thomas Rice, Jr., r
- Dist. No. 9 Ralph J. Rosen, r
- Dist. No. 10 Dennis R. Bolduc, r; Lawrence Richardson, d&r
- Dist. No. 11 Robert H. Turner, r
- Dist. No. 12 none
- Dist. No. 13 Robert G. Holbrook, r

CARROLL COUNTY

- Dist. No. 1 none
- Dist. No. 2 Howard C. Dickinson, Jr., r; A. Gibb Dodge, Jr., r&d
- Dist. No. 3 Robert J. Daly, Jr., r
- Dist. No. 4 Robert W. Foster, r
- Dist. No. 5 Gerard E. Powers, Jr., r; Howard N. Saunders, r
- Dist. No. 6 Russell C. Chase, r; Kenneth J. MacDonald, r
- Dist. No. 7 J. Lisbeth Olimpio, r

CHESHIRE COUNTY

- Dist. No. 1 David A. Young, r
- Dist. No. 2 John J. Laurent, r; JoAnn T. Morse, r&d
- Dist. No. 3 Kenneth A. Cole, d; Robert F. Delano, r

- Dist. No. 4 Daniel A. Eaton, d&r
- Dist. No. 5 Stephen G. Avery, r
- Dist. No. 6 Richard A. Grodin, r&d; Alfred P. Sawyer, r&d
- Dist. No. 7 William R. Matson, d
- Dist. No. 8 Donald O. Crutchley, r
- Dist. No. 9 John B. Hunt, r
- Dist. No. 10 Stacey W. Cole, r; David M. Perry, r
- Dist. No. 11 Katherine H. Metzger, r
- Dist. No. 12 none
- Dist. No. 13 Susan S. Spear, d&r
- Dist. No. 14 Douglas E. Hill, r
- Dist. No. 15 Gertrude B. Pearson, r
- Dist. No. 16 David M. LaMar, d&r
- Dist. No. 17 Robert E. Barber, Jr., d; Richard F. Doucette, d; Katherine D. Foster, d

COOS COUNTY

- Dist. No. 1 Beaton Marsh, r; Gerald P. Merrill, r
- Dist. No. 2 C. Fitzgerald Buckley, III, r
- Dist. No. 3 Josephine Mayhew, d
- Dist. No. 4 Lynn C. Horton, r&d
- Dist. No. 5 Harold W. Burns, r
- Dist. No. 6 Jeffrey R. Woodburn, d
- Dist. No. 7 Lawrence J. Guay, d&r; Otto H. Oleson, d
- Dist. No. 8 Catherine V. Brungot, r; Robert E. Dumont, r; Dennis J. Kilbride, d; George Lemire, d; Harold D. Nelson, d&r; Romeo J. Theriault, d

GRAFTON COUNTY

- Dist. No. 1 Richard L. Hill, r; Kathleen W. Ward, r; Henry F. Whitcomb, Jr., r
- Dist. No. 2 Philip H. Weymouth, r
- Dist. No. 3 Edward Densmore, d&r
- Dist. No. 4 Roger Stewart, r&d
- Dist. No. 5 Paul I. LaMott, r; Douglass P. Teschner, r&d
- Dist. No. 6 Vacant
- Dist. No. 7 Deborah L. Arnesen, d
- Dist. No. 8 Shirley M. Bennett, r; David O. Dow, r; William J. Driscoll, r&d
- Dist. No. 9 Nils H. Larson, Jr., r
- Dist. No. 10 Ralph E. Shackett, r
- Dist. No. 11 C. Dana Christy, r&d; William B. Rose, r; David M. Scanlan, r&d
- Dist. No. 12 Mary P. Chambers, d; Marion L. Copenhaver, d; Robert H. Guest, d; Sharon L. Nordgren, d
- Dist. No. 13 Carl S. Adams, r; Pamela B. Bean, r&d; Channing T. Brown, r; Howard C. Townsend, r; Karen O. Wadsworth, r&d

HILLSBOROUGH COUNTY

- Dist. No. 1 David D. Hultgren, r; Ervin R. Lachut, r
- Dist. No. 2 Larry G. Elliott, r
- Dist. No. 3 Neal M. Kurk, r
- Dist. No. 4 Roland A. Sallada, r
- Dist. No. 5 Elizabeth A. Moore, r
- Dist. No. 6 Lawrence A. Emerton, Sr., r; Bruce F. Hunter, r; Daniel P. McNerney, r; Karen McRae, r

- Dist. No. 7 Eleanor H. Amidon, r; Merton S. Dyer, r
Dist. No. 8 Paul L. Drolet, r; Howard F. Mason, r
Dist. No. 9 Garret P. Cowenhoven, r&d; Carol H. Holden, r; Elizabeth D. Lown, r; Nancy Tarpley, r
Dist. No. 10 Vivian Barry, r; Lester R. Perham, r&d; Bartolo V. Prestipino, r&d; David K. Wheeler, r&d
Dist. No. 11 Dorothy C. Bowers, r&d; Maurice E. Goulet, r; John F. Klose, r; Barbara A. Upton, r&d
Dist. No. 12 Ellen-Ann Robinson, r
Dist. No. 13 Frederick G. Ahrens, r; Emma M. Dodge, r; Dennis H. Fields, r; Jacqueline J. Flood, d; Nancy G. Frank, d
Dist. No. 14 Ellen C. Dube, d
Dist. No. 15 Bonnie B. Packard, r&d
Dist. No. 16 Betty B. Hall, d
Dist. No. 17 Gregory L. Hanselman, i
Dist. No. 18 George W. Wright, r&d
Dist. No. 19 David J. Alukonis, r; Lionel R. Boucher, r; Shawn N. Jasper, r; Stanley N. Searles, Sr., r; Willard N. Young, r
Dist. No. 20 Patrick Culbert, r; Eva M. Lawrence, r; Norman B. Lawrence, r
Dist. No. 21 Leonard A. Smith, r
Dist. No. 22 Barbara J. Baldizar, d; Robert C. Bicknell, r
Dist. No. 23 Sezen M. Gerow, d; Alice B. Record, r; Stanley R. Vanderlosk, r
Dist. No. 24 None; Nancy M. Ford, r; Vacant
Dist. No. 25 David E. Cote, d; Susan N. Harlan, r; Donnalee M. Lozeau, r
Dist. No. 26 Frederick B. Andrews, r; Francis X. Donovan, d; Vacant
Dist. No. 27 Daniel Toomey, d
Dist. No. 28 Alphonse A. Haettenschwiller, d; Romeo W. Jean, d
Dist. No. 29 Roland J. Lefebvre, d; James E. McDowell, d&r
Dist. No. 30 Roland A. Morrisette, d
Dist. No. 31 Edmund M. Keefe, r; Bonnie Lou McCann, d&r; Debora B. Pignatelli, d
Dist. No. 32 A. Theresa Drabinowicz, d
Dist. No. 33 Carolyn L. Brady, r; Lee Anne S. Steiner, r; Linda S. Wihby, r
Dist. No. 34 Christine A. Biondi, r; Catherine A. Schneiderat, r; Walter A. Stiles, r
Dist. No. 35 Ann J. Bourque, d&r; Theodora P. Nardi, d&r; Joanne A. O'Rourke, d
Dist. No. 36 Scott E. Green, r
Dist. No. 37 Lionel W. Johnson, d; Toni Pappas, r; Leo P. Pepino, r
Dist. No. 38 none
Dist. No. 39 Leona Dykstra, d&r; Herbert N. Foote, Sr., r; Lillian E. Soucy, d&r
Dist. No. 40 Robert E. Murphy, d&r
Dist. No. 41 none
Dist. No. 42 Jacquelyn M. Domaingue, r; John A. King, d
Dist. No. 43 Janet G. Barry, r; Peter A. Burkush, d; William J. Desrosiers, Jr., r
Dist. No. 44 Frances L. Riley, r
Dist. No. 45 Mary Jenkins, d&r; Irene M. Messier, r; Frank J. Reidy, d&r
Dist. No. 46 None; Rudolph G. Paquette, d; Roland M. Turgeon, d
Dist. No. 47 Gerard T. Desrochers, d; Gloria W. Kress, r; Lillian I. Rheault, r
Dist. No. 48 Robert O. Ouellette, r

MERRIMACK COUNTY

- Dist. No. 1 Elizabeth S. Bardsley, r; James D. Phelps, r
- Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r
- Dist. No. 3 Nancy C. Beaton, d
- Dist. No. 4 Elizabeth S. Millard, r
- Dist. No. 5 Susan D. Carter, r; C. William Johnson, r; Mary Ann Lewis, r; Peter M. Stio, r
- Dist. No. 6 Richard A. Barberia, r; Leo W. Fraser, Jr., r; Robert A. Lockwood, r
- Dist. No. 7 Eleanor M. Anderson, r; Patricia A. Fair, d&r; Douglas E. Hall, r; Randall F. Shaw, r
- Dist. No. 8 Gabriel Daneault, d
- Dist. No. 9 Lowell D. Apple, r&d; Laurent J. Boucher, r; Terence R. Pfaff, r
- Dist. No. 10 Bronwyn Asplund, r; Richard W. Tolpin, r; James A. Whittemore, r&d
- Dist. No. 11 none
- Dist. No. 12 Robert M. Gilbreth, r&d
- Dist. No. 13 Mary C. Holmes, r
- Dist. No. 14 Michael Hill, r
- Dist. No. 15 Paul R. Fillion, r
- Dist. No. 16 Caroline L. Gross, r
- Dist. No. 17 J. Allen Bennett, r
- Dist. No. 18 Bert Teague, r
- Dist. No. 19 Jennifer G. Soldati, d
- Dist. No. 20 Gerald R. Smith, r
- Dist. No. 21 Miriam D. Dunn, d; Elizabeth Hager, r; Robert C. Hayes, r; Mary Jane Wallner, d; George M. West, r

ROCKINGHAM COUNTY

- Dist. No. 1 Robert A. Johnson, r
- Dist. No. 2 John L. Sherburne, r
- Dist. No. 3 Russell G. Seward, r
- Dist. No. 4 Roger C. King, r
- Dist. No. 5 Richardson D. Benton, r; Harry E. Flanders, r; Henry E. Wells, r&d
- Dist. No. 6 Douglas G. Forsythe, r&d; John Hoar, Jr., r&d; Kathleen M. Hoelzel, r; Calvin Warburton, r
- Dist. No. 7 Eunice M. Campbell, r; Janet M. Conroy, r; Robert M. Fesh, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r; Virginia K. Lovejoy, r; Maurice B. MacDonald, r
- Dist. No. 8 Natalie S. Flanagan, r; Raymond H. Gourdeau, r
- Dist. No. 9 LeRoy S. Dube, r; Richard L. Haynes, r; Marilyn P. Senter, r; Peter M. Simon, r
- Dist. No. 10 John W. Flanders, Sr., r; David A. Welch, r; Vacant
- Dist. No. 11 Patricia L. Cote, r; William F. McCain, r
- Dist. No. 12 Albert Caswell, Jr., d; Elizabeth M. Popov, d
- Dist. No. 13 Carl F. Anderson, III, r; Thomas U. Gage, r; Thaddeus E. Klemarczyk, r; Harold F. Magoon, r; Arthur Tufts, r
- Dist. No. 14 Jeffrey M. Brown, r; Charles H. Felch, Sr., r
- Dist. No. 15 James R. Rosencrantz, d&r
- Dist. No. 16 Frank J. Palazzo, Sr., r

- Dist. No. 17 Lewis W. Brown, r; Kenneth W. Malcolm, r; Ednapearl F. Parr, r;
Barbara R. Remick, r
- Dist. No. 18 Elizabeth A. Greene, r; John J. McCarthy, Jr., r; Eugene Ritzo, r
- Dist. No. 19 Robert F. Parsons, r&d; W. Douglas Scamman, Jr., r
- Dist. No. 20 Bert H. Ford, r; Beverly A. Gage, r; Stephanie K. Micklon, r; Bernard
J. Raynowska, r; Donna P. Sytek, r
- Dist. No. 21 Ada L. Mace, r; Patricia M. Skinner, r
- Dist. No. 22 Arthur P. Klemm, Jr., r
- Dist. No. 23 William P. Boucher, r; Betsy McKinney, r; Rowland Schmidtchen, r;
David B. Wright, r
- Dist. No. 24 Michael R. Weddle, d
- Dist. No. 25 John E. Splaine, Sr., d
- Dist. No. 26 Juanita L. Bell, d; MaryAnn N. Blanchard, d&r
- Dist. No. 27 Cynthia A. McGovern, d; Charles L. Vaughn, d
- Dist. No. 28 Lawrence A. Chase, Jr., r; Carolyn E. Hynes, d; Cecelia D. Kane, d;
Joseph A. MacDonald, d

STRAFFORD COUNTY

- Dist. No. 1 Glenn W. Stewart, r; Warren L. Swope, r
- Dist. No. 2 Henry P. Sullivan, d&r; William Tsiros, d&r
- Dist. No. 3 Douglas A. Lachance, d; George T. Musler, r
- Dist. No. 4 Wayne M. Burton, d; W. Kent Martling, r; Amanda A. Merrill, d; Leo
J. Spencer, d; Katherine W. Wheeler, d
- Dist. No. 5 Albert J. Dionne, d&r
- Dist. No. 6 Paula J. Kinney, r; Robert E. Marston, r; Joe B. Parks, r; Thomas E.
Scharff, d; Ann M. Torr, r
- Dist. No. 7 Mary E. Bernard, d; Gary R. Gilmore, d; William H. McCann, Jr.,
d&r
- Dist. No. 8 Anita A. Flynn, d; Edward J. Flynn, d; Roland A. Frechette, d; Fran-
cis C. Vincent, d
- Dist. No. 9 John H. Meserve, r
- Dist. No. 10 Drucilla Bickford, r; Patricia H. Foss, r; John O'Brien, d&r; Janet R.
Pelley, d; John B. Young, r
- Dist. No. 11 James E. Appleby, r&d; Julie M. Brown, r; Sandra B. Keans, r; Ralph
W. Torr, r

SULLIVAN COUNTY

- Dist. No. 1 Peter Hoe Burling, d; Merle W. Schotanus, r
- Dist. No. 2 Gordon B. Flint, r; Fredrik Peyron, r; Beverly T. Rodeschin, r
- Dist. No. 3 Thomas A. Behrens, r&d
- Dist. No. 4 none
- Dist. No. 5 Irene C. Domini, r; Keith L. Hinrichsen, r
- Dist. No. 6 Richard H. Krueger, r; John A. Middleton, r
- Dist. No. 7 Edward A. Lucier, Jr., d&r; Vacant
- Dist. No. 8 none
- Dist. No. 9 Kenneth M. MacAskill, r

342 members having answered the call of the roll, the Chair declared a quorum present.

Reps. Gross and Chambers offered the following resolution: **RESOLVED**, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of attending to an address by His Excellency, Governor Judd Gregg.

Adopted.

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing the state of the State address by His Excellency, Governor Judd Gregg.

RECESS

JOINT CONVENTION

The Speaker introduced Governor Judd Gregg who addressed the Joint Convention.

Well, it's been a hell of a first year! I seriously doubt that in any time in our history, certainly not too many times in our history, we've had as many major issues to address as we have in 1989. They were interesting and they were substantive issues. They were challenges which we met. We have as a legislature and as a government taken a number of major concerns which confronted this state from a period of crisis into a period of management and resolution. I believe you and your leadership, and I also think that my staff and the people on the executive side, can take a fair amount of credit and pride for the progress we have made in addressing these acute and significant issues.

We started right out with the federal government deciding to close our largest military installation, Pease Air Force Base. I compare this, quite honestly, to those times when in the '40s and '50s our major textile mills closed in cities like Nashua and Manchester. That was the type of disruption in lifestyle potential that was created by this event. Pease represented literally tens of millions of dollars of annual investment by the federal government in the seacoast of the state. It represents thousands of employees and thousands of workers, people who are friends and neighbors. It represents billions of dollars worth of improved assets and it was an air force base which had traditionally fit in very well with the lifestyle of the seacoast region in this state. But, the decision was to close it by the federal government. In this legislature, working through its leadership and our office and the communities involved, working in what I call the New Hampshire way of sitting down and addressing a complex issue in an orderly fashion to try to develop a plan so that we would not have the type of disruption that occurred when those textile mills closed.

We have done that. We have put together the Pease Redevelopment Commission and it has proved its worth. It has recently hired one of the largest engineering firms in the world to come in and give us the type of expert, professional advice that we need as a state and as a region to handle this type of transition.

I, as Governor, and your leadership, President Bartlett and Speaker Scamman, intend to reinforce and improve and work to make sure that the Pease Redevelopment Commission remains an independent and nonpolitical commission which has the necessary authority to assure that the Pease transition is orderly. Yes, there will be disruption. I think we all have to recognize that. It's inevitable when you take out of the economy a force of that size that there is going to be a short-term disruption. But, I prefer to think of the potential that is there because it is immense. Nowhere else on the East Coast is there a facility of 4,000 acres, with an already existing first-class airport, an in-place road system, and with a port facility that is in the path of the North-

east megalopolis. Clearly, the potential is there, not only to have an economic revitalization of Pease, but to use that revitalization to draw along the entire state. And I see that as being the course on which we will go. I think we can take a fair amount of pride in having set up a process to fulfill that course.

The next issue that we were confronted with was the question of the Public Service bankruptcy. Now, that had been dragging along, as you all know, for too long and as a result of certain decisions made by certain parties of interest; it was decided that the Public Service Company would go to federal regulation. We have, obviously as a state, and had a major interest in having control over our own utility. Thus for 12 months, we wrestled with the various parties of interest in the federal bankruptcy court in order to resolve this issue. We were confronting a playing field where we did not control the rules of the game or the size of the field. That was defined by the federal law and by a federal court and by a federal judge who made it very clear that he saw it as his prerogative to take control over rate-setting in our own state utility.

We set out certain goals which we felt had to be met as we went down this road on trying to reach a settlement on this crucial issue and those goals included assuring that our consumers received a fair price and a fair cost for their electricity over an extended period of time; that we had electrical supply guaranteed to us whether or not Seabrook comes on line; that we have a well-managed company and that we have a company that is under New Hampshire control. As a result of your confirmation in the Northeast understanding three weeks ago, we have accomplished all these goals.

Now this didn't come by luck. It came by a lot of hard work on the part of a lot of people. I congratulate all those who were involved in the process.

There are some, I recognize, within the community who still say "No" to this understanding; who say "No" maybe because they like the sound of the word or "No" because they wish to impact a tangential issue or maybe "No" because they simply didn't want to address the question of higher rates and have to vote for higher rates. But that was not our opportunity as the governing group of New Hampshire. We have an obligation to address issues, tough issues, and to address them straight up and that's exactly what we did in the Public Service bankruptcy process. As a result, we have moved that process down the road significantly towards a positive resolution for all our citizens.

The third issue we addressed was the question of the budget. On arriving here, unfortunately, we found that instead of surplus we had a considerable deficit last January. Again working with your legislative leadership and with your legislative committees and with you folks, we were able to turn around that deficit and create a surplus as we came out of the last biennium. That was no easy feat, quite honestly. It meant again taking decisive stands and making tough decisions. But we did it and we did it basically on the expenditure side.

Now we are a quarter of a way into the next biennium and once again we are finding that our revenues are slowed and running considerably behind what we expected. Once again, I'm going to be coming to you and working with your legislative leadership to adjust our budget, to assure that New Hampshire remains solvent and that we remain in a fiscally sound state.

The entire region, as we well know, is going through a period of economic adjustment. We don't have to look too far to recognize that fact, but it's also a fact that over the last six years, we went through a period of unprecedented economic growth. The state of New Hampshire, the government of the state of New Hampshire, grew more

in the last six years than any other state government in the United States; growing by 82 percent.

We are like a household where the wage earners retain a good job but have not gotten the pay increase which they had hoped for and expected. That means that in order to adjust, they can't spend money that they might have planned to spend had they been able to get that pay increase, but they retain that good job and that high quality of life.

In meeting with your Appropriations Committee tomorrow, I will be outlining the specifics of our proposals to address this issue. Let me just give it to you in general terms. First, the parameters of the problem. We are looking at a revenue shortfall of approximately \$72 million as projected by our office and I understand, in that range, is projected by your Ways and Means Committee. That is a huge drop in anticipated revenues. In fact, that means for the first year since 1983, we will actually see this year's revenues below the prior year's revenues.

In addition, we have a request for supplementals which are legitimate and amount to approximately \$8 million. So we're looking at what amounts to, essentially, an \$80 million problem or an \$80 million issue. Obviously, I'm going to be calling on you to make some very tough decisions as we address that issue. These decisions can be made and should be made primarily on the expenditure side. We well may be using all the tools available to us, that is true in our recommendations. Primarily, I feel that we have an obligation to look at the expenditure side. I will be proposing to your Committee expenditure reductions which are not across the board, but rather go account by account so that we can effectively address it pursuant to a strong management style. The majority of these expenditure reductions will have come from the agencies most impacted. As we started over a month ago or two months ago to review this process, the way we decided to proceed was to go out to our agencies and ask them where they felt they could save money. Upon receiving their input, we have taken that input and translated it into this overall proposal. So it is not a top-down driven process, rather it is a management driven process. As a result, it is my belief that the reductions which we're requesting are reasonable and will not significantly impact services. Furthermore, the reductions which we are requesting will not be a transfer back onto our local communities of the costs which the state has borne because I do not think that is appropriate.

I must ask you, that as you review this process, that you do it promptly. We have an opportunity here to reflect once again the New Hampshire way of solving problems: that we can pull together, sit down, address an issue and come up with substantive and effective resolution in a prompt and timely fashion. That is obviously important, not only because it's a good way to run your government and it's the way the people of New Hampshire expect us to run our government, but it's also important because the sooner we get onto resolving this problem, the less acute the resolution will have to be.

I recognize that the drums are already beating along the Merrimack of certain special interest groups that do not desire to see their programs impacted at all. I certainly wish we were in a position to say to them, "We won't impact you." But the fact is we're not in that position. The fact is that after six years of significant growth as a government, we have to take a look at better management and a tightening of our belts. We can do that and we can do it without significantly impacting services. But, what we cannot afford to do is to remain inactive. We cannot afford to take no defini-

tive action. We cannot afford to avoid the difficult choices because if we do, we will depart on a road much like some of our sister states which leads into a continual spiral of economic chaos.

I recognize also that there are people who believe that the best approach to resolving this problem is to not address the expenditure side, but rather to pass a new broad base tax.

I must tell you right up front that I would veto such a tax.

I consider it to be an indefensible position. I've been in government for 12 years; many of you have been in government much longer. I've served in the legislative branch as you are now serving. I think I understand as most of you understand, some of the black letter rules of government and one of them is that a government will always spend the money it raises and another one is that the government will never use one revenue source to reduce another revenue source. That is simply a fact. Thus, creating a great new engine of taxation is not going to solve our problem.

I recognize, also, that there are some who suggest that the passage of a broad based tax is the best approach to alleviating our property tax. That is truly not a supportable position.

I think again we have all been in government long enough to recognize that when you raise a local dollar, when you take that dollar out of the local taxpayer's pocket and you send it to Concord or you send it to Washington that we cannot send back to that local taxpayer that full dollar. In New Hampshire, we'll probably send you back 85 cents, maybe we'll send you back 90 cents. We'll do better than most states, but you don't get your whole dollar back. It's also another rule of government that when we send you back that 85 cents that used to be a dollar, we'll probably attach strings to it to tell you how to spend it, depending on our legislative mood and our governmental mood. In many instances when that local citizen sends us a dollar that they now get back as 85 cents with strings attached, we tell them that they have to raise one or two local dollars to match it before they can get it. This concept that you can reduce taxes by raising taxes does not fly, has never flown in New Hampshire and I will not support it. The only way that you can control taxation and the only way in a tight fiscal time that you can control the rate of growth of government is to do it on the expenditure side. That is the challenge that I am bringing to you today. It's a challenge which I know you can undertake and which I know you will succeed at because you have so many times in the past. It's a challenge which our people here in New Hampshire expect us to succeed at.

Now, there are other issues pending before us as a legislature and as a government and I have unfortunately heard, I think, in some communities within our state and maybe even nationally, a certain pattern of negativism about the future of this country or this state. I must tell you that I do not subscribe to that. I believe this state has tremendous opportunity and hope. When I look at what's happening at the world scene, when we see what's happening in Eastern Europe and we reflect on the fact that nations which have been under the yoke of socialism and totalitarianism for 40 years are abandoning those yokes, that the people are reaching out to quench their thirst for freedom and for constitutional rights. No other time in this century, no other decade has dawned in this century where we have had such an opportunity for peace and prosperity and for hope. It's that way here in New Hampshire, too. Sure, we're going through a period of what you might call economic entrenchment but it's not unique to New Hampshire, it's a regional issue. No matter what list you look at, New Hampshire continues to be right near the top for positive attributes. We are a special

place to live. We do have it all and our charge as a legislature and as a government and my charge as Governor is to assure that we build on and preserve that. In the area of the environment, we understand as a state that it is a core and essential issue for the quality of life in New Hampshire. We understand as Mark Twain said, "In the South, the people define the land, but in the North, the land defines the people."

We have made commitments in this last legislative session which I congratulate you for; to preserve and to improve that environmental lifestyle of New Hampshire. We have made progress in the area of recycling and in the area of protecting our waterways and our lakes; in the area of assuring the purchase of poor pieces of land. We need to build on and improve that effort because the protection of the environment is critical to New Hampshire.

We hold out something special also, in the area of opportunity for creation of jobs. Sure, we are going through this slowdown and I regret it. But, one of the positive attributes of this slowdown is that we can now say to those job creators in New Hampshire and those job creators who may be looking at New Hampshire that we have people here who subscribe to a high work ethic, who understand complex jobs and who are available to fill your needs. We can help this process a great deal, of creating jobs by passing as a legislature and as a government the workers' compensation reform proposal which came out of the core group that worked on it for the last six months and which has general consensus support.

We are a state that holds out great opportunity to the job creator and you don't have to be Governor very long to find that out, quite honestly. We're seeing today that our requests are petitions by people who are looking at New Hampshire as a place to create jobs which are up over 50 percent. One of the items that makes it so clear that we do have something special to offer is our juxtaposition to some of our neighboring states.

Just a few weeks ago, I had the opportunity to open a new plant in Hollis, New Hampshire. I asked the gentleman who ran this plant why he had moved to Hollis. Well, he told me he had gone three miles. He had moved three miles up the road from Pepperell, Massachusetts to Hollis, New Hampshire. And I said, "What could possibly drive you to take your whole plant and move it just three miles?" He said, "It was very simple. When I sat down with a pencil and paper and I figured out how much I would save in taxes and how much I would save in health care costs, I was able to double the size of my manufacturing plant by moving three miles."

Yes, we as a state hold out great opportunity to the job creators from throughout the country and here in New Hampshire especially. But, most importantly, we as a state have that special characteristic of our people; people like you who get involved in government as a volunteer service, as a service to your community. And understanding that it is an obligation of all citizens in New Hampshire to be involved in their community and to participate in their community if it is to be successful; an understanding, also, that the core element that drives this society and makes us prosperous is the individual initiative; an awareness that you cannot as a government be overbearing on that initiative or you lose that drive for prosperity which raises the entire society.

These are the things that we as a state understand. These are the things that make New Hampshire a special and vibrant place in which to live. Our future is bright because we understand and we are committed to the environment and that it is a core aspect of our life; that we have a commitment to education. We have a commitment to

our communities. We have a commitment to being assured of a competitive workplace and a job creator environment.

I look forward to working with all of you over the next few months to undertake those legislative initiatives which will assure that New Hampshire remains that type of environment.

So, the people of New Hampshire aren't paying you \$100 a year to sit here and listen to me. Let's roll up our sleeves and get to work. Thank you very much.

The Chair recognized Rep. Russell C. Chase for the purpose of making a presentation to the Governor.

Sen. Dupont and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

The Rules Committee offered the following:

HOUSE RESOLUTION NO. 53

amending House Rules for the 1990 Session.

Amend House Rule 67 by striking out all and replacing with the following:

67. Legislative action in the second-year session shall be subject to the following deadlines:

- January 9 - Last day to introduce supplemental budget bill. (Joint Rule 10)
- January 18 - Last day for Policy Committees to report money bills.
Last day for Policy Committees other than Executive Departments and Administration to report licensure bills.
- January 25 - Last day for Appropriations Committee to report Re-referred Bills of 1989 Session.
Last day to act on Money Bills from Policy Committees.
- February 1 - Last day to act on Re-referred Bills.
Last day for Ways and Means to report revenue bills.
- February 6 - Ways and Means Report on Revenue.
- February 8 - Last day for Policy Committees to report non-money bills.
Last day for Appropriations to report money bills.
- February 15 - Last day to act on all House bills. - CROSSOVER -
- March 22 - Last day for Policy Committees to report Senate money bills.
- March 29 - Last day for House action on Senate money bills.
- April 5 - Last day for Policy Committees to report all Senate non-money bills.
Last day for Appropriations to report all Senate money bills.
- April 12 - Last day to act on all Senate bills. - CROSSOVER -
- April 19 - Last day to adopt Committee of Conference Reports.

Amendment Adopted.

Further amend House Rules by adding the following sentence to HR 44(a).

44(a) The Committee on Appropriations may also report bills referred to it as Recommended But To Be Laid Upon the Table Because of Funding.

Amendment adopted.

Rep. Burling offered the following amendment:

Amend Rule 20 by adding a new section (d) as follows:

20(d) If any member of the House shall object to a procedural ruling of the Speaker, said objection shall be taken up immediately by the Committee for Parliamentary Appeals. Said Committee shall decide all appeals or objections at the time they are

made, and shall deliver its decisions as expeditiously as possible to the House. In reaching its decision on any given matter, the Committee shall be bound by these Rules, and Mason's Manual, as the same may be amended from time to time. The Committee shall consist of five members of the House, three from the Majority and two from the Minority, elected at the beginning of each Session by the entire membership of the House.

Rep. Burling spoke in favor.

Rep. Burns spoke against.

Amendment lost.

Rep. Jacobson offered the following amendment:

Amend Rule 49 by adding a new section (d).

49 (d) The House membership on all Committees of Conference shall be drawn from those members who have served on the Committee of origination of the matter in question and have voted in favor of the majority position in the House. No action shall be taken in the House on any report of a Committee of Conference until one week after the date on which the report is mailed to the membership of the House.

Rep. Jacobson spoke in favor.

Rep. Burns spoke against.

Amendment lost.

Rep. Betty Hall offered the following amendment:

Amend Rule 48 by adding a new section (c) as follows:

48 (c). When any House bill is returned by the Senate with amendment, the bill shall be referred to the Chairman of the House committee of origin, or a committee member designated by the Chairman, who shall prepare a brief synopsis of the effect of the Senate amendment, including one of the following recommendations: Concur, Nonconcur, or Nonconcur and Request a Committee of Conference. The synopsis and recommendation shall be printed in the calendar and shall be acted upon, as with the consent calendar, without debate, except that any member may request that such a bill be removed from the consent calendar. Any bills so removed shall be acted upon at the conclusion of the regular calendar, in the order in which such bills appeared in the calendar.

Rep. Betty Hall spoke in favor.

Rep. Burns spoke against.

On a voice vote, the Speaker was in doubt and called for a division, and 108 members having voted in the affirmative and 211 in the negative, the amendment lost.

Rep. Burling offered the following amendment:

Amend Rule 43 by adding a new section (e) as follows:

43 (e) Any five members, or more, of a Committee may call for additional public hearing on any bill before the Committee, or any amendment thereto, prior to final action by the Committee on the bill. Any additional public hearing held pursuant to this section shall meet the notice requirements set out above.

Rep. Burling spoke in favor.

Rep. Burns spoke against.

Amendment lost

Resolution adopted.

The Rules Committee offered the following:

HOUSE CONCURRENT RESOLUTION NO. 20

adopting joint rules for the 1990 session

RESOLVED, by the House of Representatives, the Senate concurring:

That the General Court adopt as the joint rules for 1990 the joint rules of 1989 with the following amendments:

Amend Joint Rule 10 as follows:

10. In the second-year session, final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

January 18 — Deadline for Policy Committees to report all money bills.

February 8 — Deadline for Policy Committees to report all non-money bills.

February 15 — Deadline for originating body to take action on all bills (Crossover)

(b) In the non-originating body:

March 22 — Deadline for Policy Committees to report all money bills.

March 29 — Deadline for Policy Committees to report all non-money bills.

April 3 — Deadline for Committees on Appropriations/Finance to report all bills.

April 12 — Deadline for non-originating body to take action on all bills.

(c) Both bodies shall take final action on all Committee of Conference reports no later than April 19.

(d) All bills shall be submitted to the Governor no later than April 23.

(e) When each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

Further amend the Joint Rules by omitting Rules 12 and 19.

Rep. Burns spoke in favor.

Ordered to third reading.

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1001 through 1441 and 1500, Constitutional Amendment Concurrent Resolutions numbered 21 through 25, House Concurrent Resolutions numbered 11 through 18, House Resolutions numbered 51 and 52, and House Bill of Intent numbered 2011, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCRs, CACRs, HRs and HBI

First, second reading and referral

HB 1001-FN, increasing agent fees for fish and game licenses. (Dionne of Stratford Dist. 5; Simon of Rockingham Dist. 9; Senator of Rockingham Dist. 9; Haynes of Rockingham Dist. 9 - To Fish and Game)

HB 1002, prohibiting the operation of ski craft on Lake Opechee in the city of Laconia. (Rosen of Belknap Dist. 9; Freese of Dist. 4 - To Transportation)

HB 1003, relative to prima facie speed limits on local roads. (Schmidtchen of Rockingham Dist. 23 - To Transportation)

HB 1004-FN, relative to the tax abatement procedure. (Perry of Cheshire of Dist. 10 - To Municipal and County Government)

HB 1005-FN, relative to the Chester, Fremont, and Epping school districts. (Benton of Rockingham Dist. 5; McCain of Rockingham Dist. 11 - To Education)

HB 1006-FN, repealing the boat safety fund. (Vogler of Belknap Dist. 4 - To Transportation)

HB 1007, relative to limiting hunting in the town of Candia. (Seward of Rockingham Dist. 3; Johnson of Dist. 17 - To Fish and Game)

HB 1008, relative to delivery of bills by manufactured housing park owners. (Doucette of Cheshire Dist. 17; Hill of Cheshire Dist. 14; Blacketor of Cheshire Dist. 12; Apple of Merrimack Dist. 9 - To State Institutions and Housing)

HB 1009-FN-A, authorizing wagering on sporting events. (Buco of Rockingham Dist. 20 - To Regulated Revenues)

HB 1010, relative to annual school meetings. (Warburton of Rockingham Dist. 6; Jasper of Hillsborough Dist. 19 - To Education)

HB 1011, relative to moveable blades of hunting arrow tips. (Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 1012-FN, establishing a study committee on allowing jurors to ask questions during trials. (Green of Hillsborough Dist. 36 - To Judiciary)

HB 1013, reviving the charter of the New Hampshire Karting Association. (Schmidtchen of Rockingham Dist. 23 - To Constitutional and Statutory Revision)

HB 1014-FN, relative to facilities licensed under RSA 151. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Scanlan of Grafton Dist. 11 - To Transportation)

HB 1016, relative to altering town highway classification from class V to class VI. (Beaton of Merrimack Dist. 3; Nichols of Merrimack Dist. 2 - To Municipal and County Government)

HB 1017-FN, prohibiting vendors from requiring a customer to present a major credit card when paying by check. (Searles of Hillsborough Dist. 19 - To Commerce, Small Business and Consumer Affairs)

HB 1018-FN, relative to the penalties for bail jumping. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1019-FN, relative to an optional elderly property tax credit. (Conroy of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7; Lovejoy of Rockingham Dist. 7 - To Municipal and County Government)

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover. (Bardsley of Merrimack Dist. 1 - To Transportation)

HB 1021-FN, establishing a committee to study fixed terms for judges. (Green of Hillsborough Dist. 36 - To Judiciary)

HB 1022-FN-A, relative to the Glendale boat house and making an appropriation therefor. (Pearson of Belknap Dist. 5; Campbell of Belknap Dist. 5; Ballou of Belknap Dist. 5; Torr of Dist. 21 - To Public Works)

HB 1023-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (Record of Hillsborough Dist. 23; Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 1024-FN-A, making an appropriation to hire a consultant to evaluate the foundation aid formula. (Bolduc of Belknap Dist. 10; Skinner of Rockingham Dist. 21; Domaingue of Hillsborough Dist. 42; Larson of Grafton Dist. 9 - To Education)

HB 1025, relative to limited liability for volunteers. (Gage of Rockingham Dist. 13; Burling of Sullivan Dist. 1; Moore of Hillsborough Dist. 5 - To Judiciary)

HB 1026, relative to the definition of public access to public waters. (Boucher of Rockingham Dist. 23; Wiggin of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 1027-FN, establishing a black bear management program and requiring a special bear license. (Drake of Rockingham Dist. 18; Perham of Hillsborough Dist. 10 - To Fish and Game)

HB 1028, relative to the number of events at which a club may serve liquor in a year. (Dionne of Strafford Dist. 5; Perham of Hillsborough Dist. 10 - To Regulated Revenues)

HB 1029, relative to domesticated wild animals. (Cooke of Rockingham Dist. 20; Micklon of Rockingham Dist. 20; MacKinnon of Rockingham Dist. 7 - To Fish and Game)

HB 1030, relative to cease and desist orders issued by the director of the division of forests and lands. (Cole of Cheshire Dist. 10 - To Resources, Recreation and Development)

HB 1031, relative to smelt fishing by the physically handicapped. (Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 1032-FN-A, making an annual appropriation to fund the nongame management program. (Perham of Hillsborough Dist. 10; Scanlan of Grafton Dist. 11; McLane of Dist. 15 - To Fish and Game)

HB 1033, relative to fishing in the Connecticut River. (Scanlan of Grafton Dist. 11; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement. (Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 1035, relative to biennial fish and game hearings. (Dionne of Strafford Dist. 5 - To Fish and Game)

HB 1036-FN, relative to nonresident and resident wholesale marine species licenses. (Drake of Rockingham Dist. 18 - To Fish and Game)

HB 1037-FN-A, establishing a committee to recodify municipal laws and making an appropriation therefor. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 1038-FN, eliminating the tax stamp on lucky 7 tickets. (Simon of Rockingham Dist. 9; Hynes of Rockingham Dist. 28 - To Regulated Revenues)

HB 1039-FN, relative to a bingo fee. (Simon of Rockingham Dist. 9; Hynes of Rockingham Dist. 28; Roberge of Dist. 9 - To Regulated Revenues)

HB 1040-FN, relative to civil and criminal penalties in the safe drinking water act. (Avery of Cheshire of Dist. 5 - To Resources, Recreation and Development)

HB 1041, relative to conflict of interest laws concerning town officials. (Malcolm of Rockingham Dist. 17 - To Municipal and County Government)

HB 1042-A, relative to construction of a new Rockingham county courthouse at Brentwood and making an appropriation therefor. (Schmidtchen of Rockingham Dist. 23 - To Public Works)

HB 1043-A, relative to the Hampton district court and making an appropriation therefor. (Felch of Rockingham Dist. 14; Brown of Rockingham Dist 14; Palazzo of Rockingham Dist. 16 - To Public Works)

HB 1044, relative to fees of notaries public. (Lawrence of Hillsborough Dist. 20 - To Constitutional and Statutory Revision)

HB 1045-FN, to provide rulemaking notice to municipalities and legislators. (Sherburne of Rockingham Dist. 2 - To Executive Departments and Administration)

HB 1046, relative to the declaration of purpose for the planning and zoning laws. (Frank of Hillsborough Dist. 13 - To Municipal and County Government)

HB 1047, establishing a commission with the state of Maine on Lake Umbagog. (Sherburne of Rockingham Dist. 2; Bond of Dist. 1 - To Resources, Recreation and Development)

HB 1048-FN, relative to rabies control of dogs. (Riley of Hillsborough Dist. 44 - To Public Protection and Veterans Affairs)

HB 1049-FN, relative to fishing licenses for non-institutionalized developmentally disabled persons. (Hill of Cheshire Dist. 14; Matson of Cheshire Dist. 7; Doucette of Cheshire Dist. 17; Perham of Hillsborough Dist. 10; Perry of Cheshire Dist. 10; Podles of Dist. 16 - To Fish and Game)

HB 1050-FN, relative to "junk fax". (Avery of Cheshire Dist. 5; Spear of Cheshire Dist. 13 - To Science, Technology and Energy)

HB 1051-FN, relative to fur-buying licenses. (Drake of Rockingham Dist. 18; Perham of Hillsborough Dist. 10 - To Fish and Game)

HB 1052, authorizing withdrawal of water from Lake Sunapee and Echo Lake for the ski resorts. (Dickinson of Carroll Dist. 2; Avery of Cheshire Dist. 5; Blanchard of Rockingham Dist. 26 - To Resources, Recreation and Development)

HB 1053, relative to the patients' bill of rights. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 1054, authorizing a memorial for certain veterans of Korea and Vietnam. (Bal-lou of Belknap Dist. 5; Daly of Carroll Dist. 3, Fields of Hillsborough Dist. 13 - To Public Protection and Veterans Affairs)

HB 1055-FN, repealing the motorcycle rider education and the motorcycle rider safety fund. (Soldati of Merrimack Dist. 19 - To Transportation)

HB 1056, relative to the revocation of hunting and fishing licenses and to hunting dog training. (Foster of Carroll Dist. 4; Daly of Carroll Dist. 3; MacDonald of Carroll Dist. 6; Powers of Carroll Dist. 5 - To Fish and Game)

HB 1057-FN-A, relative to a fee for lucky 7 tickets. (Simon of Rockingham Dist. 9; Hynes of Rockingham Dist. 28; Roberge of Dist. 9 - To Regulated Revenues)

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor. (Hoar of Rockingham Dist. 6; Sallada of Hillsborough Dist. 4; Podles of Dist. 16; Preston of Dist. 23 - To Public Protection and Veterans Affairs)

HB 1059, relative to the application process for solid waste facilities. (Wright of Rockingham Dist. 23 - To Environment and Agriculture)

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians. (Burling of Sullivan Dist. 1 - To Commerce, Small Business and Consumer Affairs)

HB 1061-FN, relative to old age assistance and aid to the permanently and totally disabled. (Copenhaver of Grafton Dist. 12; Foster of Cheshire Dist. 17; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

HB 1062, relative to record books kept by registers of deeds. (Record of Hillsborough Dist. 23; Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 1063, recalling famous American leaders. (McDowell of Hillsborough Dist. 29; Morrisette of Hillsborough Dist. 30; Matson of Cheshire Dist. 7; Bell of Rockingham Dist. 26; Johnson of Hillsborough Dist. 37 - To Constitutional and Statutory Revision)

HB 1064-FN, relative to discounts for the sale of wine. (Behrens of Sullivan Dist. 3; Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 1065-A, making an appropriation to fund certain construction at the New Hampshire technical institute. (LaMott of Grafton Dist. 5; Marsh of Coos Dist. 1; Matson of Cheshire Dist. 7; Pearson of Belknap Dist. 5 - To Public Works)

HB 1066-FN, establishing a study committee for the fourth position on the megabucks computer. (Simon of Rockingham Dist. 9; Klemm of Rockingham Dist. 22; Delahunty of Dist. 22 - To Regulated Revenues)

HB 1067-FN, providing for a statewide advisory referendum. (Shackett of Grafton Dist. 10; Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 1068, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 1069-FN, relative to the dig-safe law. (Randall of Belknap Dist. 2 - To Science, Technology and Energy)

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor. (Randall of Belknap Dist. 2 - To Executive Departments and Administration)

HB 1071-FN, relative to the salaries of direct care employees at certain state institutions. (McCann of Strafford Dist. 7 - To Executive Departments and Administration)

HB 1072-FN, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation. (Packard of Hillsborough Dist. 15; McCain of Rockingham Dist. 11; Pantzer of Merrimack Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 1073, relative to sales representatives' contracts. (Hunt of Cheshire Dist. 9; Tsiros of Strafford Dist. 2; Arnesen of Grafton Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 1074, relative to annual audits of consumer cooperative associations. (Apple of Merrimack Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 1075, relative to location of court hearings in abuse or neglect cases. (Trombly of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

HB 1076-FN, relative to administrative forfeiture. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1077-FN, relative to unemployment compensation for unemployment due to lockouts. (Woodburn of Coos 6 - To Labor, Industrial and Rehabilitative Services)

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements. (Randall of Belknap Dist. 2 - To Public Works)

HB 1079-FN, relative to qualifying for the veterans' property tax exemption. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Municipal and County Government)

HB 1080-FN-A, making a supplemental appropriation for the board of tax and land appeals. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 1081, relative to the membership of the fish and game commission. (Hoar of Rockingham Dist. 6; Drake of Rockingham Dist. 18; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 1082-FN-A, making an appropriation to the Wallop-Breaux fund. (Boucher of Rockingham Dist. 23 - To Appropriations)

HB 1083, establishing speed limits for the operation of OHRVs. (Scanlan of Grafton Dist. 11 - To Transportation)

HB 1084-FN, relative to continuing care communities. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 1085-FN, establishing a committee to study methods of protecting the stratospheric ozone layer by eliminating unnecessary emissions of ozone-depleting chemicals. (Musler of Strafford Dist. 3; Greene of Rockingham Dist. 18; Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 1086-FN, relative to costs to counties of incarcerated individuals. (Warburton of Rockingham Dist. 6 - To Municipal and County Government)

HB 1087-FN-A, establishing a board to review any police action resulting in an injury or death. (Jacobson of Merrimack Dist. 2 - To Public Protection and Veterans Affairs)

HB 1088, relative to rules in manufactured housing parks. (Lozeau of Hillsborough Dist. 25 - To State Institutions and Housing)

HB 1089, repealing the 2 year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1090-FN, relative to state regulatory board and commission members. (Green of Hillsborough Dist. 36 - To Executive Departments and Administration)

HB 1091-FN, changing the weighted factors in the foundation aid formula. (Bolduc of Belknap Dist. 10; Carter of Merrimack Dist. 5; Skinner of Rockingham Dist. 21; Larson of Grafton Dist. 9 - To Education)

HB 1092-FN, relative to equity sharing in low and moderate income housing. (Varatian of Rockingham Dist. 20 - To State Institutions and Housing)

HB 1093, relative to the duties of moderators at elections. (Oleson of Coos Dist. 7 - To Constitutional and Statutory Revision)

HB 1094-FN-A, establishing a task force on illegal drug sales and use and making an appropriation therefor. (Chambers of Grafton Dist. 12; Spear of Cheshire Dist. 13; Matson of Cheshire Dist. 7; Densmore of Grafton Dist. 3 - To Children, Youth and Juvenile Justice)

HB 1095-FN, relative to merchants' credit card policies. (Packard of Hillsborough Dist. 15; Bennett of Merrimack Dist. 17; Johnson of Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system. (Cowenhoven of Hillsborough Dist. 9; Copenhaver of Grafton Dist. 12; Currier of Dist. 7; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting. (Fair of Merrimack Dist. 7; Shaw of Merrimack Dist. 7; McLane of Dist. 15 - To Municipal and County Government)

HB 1098-FN-A, to appropriate \$50,000 for the annual meeting of the Eastern Regional Conference of the Council of State Governments. (Sytek of Rockingham Dist. 20; Millard of Merrimack Dist. 4; Gage of Rockingham Dist. 20 - To Legislative Administration)

HB 1099, relative to controlled drugs and pharmacy licensing. (Sytek of Rockingham Dist. 20 - To Health, Human Services and Elderly Affairs)

HB 1100, relative to the time for placing zoning amendments on the ballot in towns. (McKinney of Rockingham Dist. 23 - To Municipal and County Government)

HB 1101-FN, relative to welfare costs paid by the county to the state of New Hampshire. (Barry of Hillsborough Dist. 10; Green of Hillsborough Dist. 36; Knight of Hillsborough Dist. 6; Emerton of Hillsborough Dist. 6; Wheeler of Hillsborough Dist. 10 - To Health, Human Services and Elderly Affairs)

HB 1102-FN, relative to Route 16 in Conway. (Chandler of Carroll Dist. 1; Allard of Carroll Dist. 2; Dodge of Carroll Dist. 2; Torr of Dist. 21 - To Public Works)

HB 1103-FN, relative to the regional fuel tax agreement. (Gordon of Cheshire Dist. 5 - To Transportation)

HB 1104, relative to the motor vehicle laws. (Gordon of Cheshire Dist. 5 - To Transportation)

HB 1105-FN, relative to acceptance of certain roads as class V highways by towns. (Alukonis of Hillsborough Dist. 19 - To Municipal and County Government)

HB 1106-FN, clarifying the applicability of post-licensing provisions to issuer-dealers and the applicability of examination fees to all security issues. (Pantzer of Merrimack Dist. 11; McCain of Rockingham Dist. 11; Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 1107-FN, relative to interception of wire or oral communications regarding securities fraud. (Packard of Hillsborough Dist. 15; McCain of Rockingham Dist. 11; Pantzer of Merrimack Dist. 11 - To Judiciary)

HB 1108-FN, establishing a committee to study child care in public and private sector buildings. (Emerton of Hillsborough Dist. 6; Knight of Hillsborough Dist. 6; Klemarczyk of Rockingham Dist. 13 - To Children, Youth and Juvenile Justice)

HB 1109-FN, establishing a committee to study the public utilities commission's authority over small water systems. (Chandler of Carroll Dist. 1 - To Science, Technology and Energy)

HB 1110, relative to the election of Sullivan and Belknap County commissioners. (Schotanus of Sullivan Dist. 1; Behrens of Sullivan Dist. 3; Peyron of Sullivan Dist. 2; Rice of Belknap Dist. 8; Pearson of Belknap Dist. 5 - To Municipal and County Government)

HB 1111, allowing certain capital improvements for energy conservation to be included in the rates of a utility. (Wright of Rockingham Dist. 23; Merrill of Strafford Dist. 4 - To Science, Technology and Energy)

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant. (Klemarczyk of Rockingham Dist. 13; Magoon of Rockingham Dist. 13 - To Municipal and County Government)

HB 1113, requiring insurance companies handling property and casualty insurance to publish rates. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 1114-FN-A, relative to elderly non-institutionalized care and making an appropriation therefor. (Parks of Strafford Dist. 6; Holmes of Merrimack Dist. 13; Parr of Rockingham Dist. 17; Domini of Sullivan Dist. 5; Hill of Merrimack Dist. 14; Nelson of Dist. 13; Podles of Dist. 16; Disnard of Dist. 8 - To Health, Human Services and Elderly Affairs)

HB 1115, permitting for-profit composting operations on current use lands. (Cole of Cheshire Dist. 3 - To Environment and Agriculture)

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner. (Fraser of Merrimack Dist. 6; Arnesen of Grafton Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 1117, relative to children attending camp facilities. (Copenhaver of Grafton Dist. 12 - To Children, Youth and Juvenile Justice)

HB 1118, relative to hearing ear dogs. (Sochalski of Rockingham Dist. 23; Copenhaver of Grafton Dist. 12; Krasker of Dist. 24 - To Health, Human Services and Elderly Affairs)

HB 1119, relative to subdivision and site plan requests. (Packard of Hillsborough Dist. 15; Bennett of Merrimack Dist. 17 - To Municipal and County Government)

HB 1120, relative to notice of insurance cancellation. (Fair of Merrimack Dist. 7; Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 1121, relative to amending or repealing subdivision regulations by petition. (Phelps of Merrimack Dist. 1 - To Municipal and County Government)

HB 1122-FN, establishing a study committee on promoting the Kona Wildlife Area in the town of Moultonborough as a state park with beach facilities. (Phelps of Merrimack Dist. 1; Bartlett of Dist. 19 - To Resources, Recreation and Development)

HB 1123-FN-A, appropriating funds for clerical assistance in the bureau of rail safety. (Weddle of Rockingham Dist. 24 - To Transportation)

HB 1124, prohibiting smoking on buses. (Weddle of Rockingham Dist. 24 - To Health, Human Services and Elderly Affairs)

HB 1125, requiring court explanation of sentences for certain crimes where imprisonment is not imposed. (Weddle of Rockingham Dist. 24 - To Judiciary)

HB 1126-FN, authorizing public notification of environmental violations. (Weddle of Rockingham Dist. 24; Gilmore of Strafford Dist. 7; Cole of Cheshire Dist. 3 - To Environment and Agriculture)

HB 1127, relative to disturbances to highway surfaces and adjacent areas and weight limits on municipal highways. (Musler of Strafford Dist. 3; Grodin of Cheshire Dist. 6; Golden of Belknap Dist. 7 - To Public Works)

HB 1128-FN, requiring licensure of out-of-state mail order pharmacies. (Sytek of Rockingham Dist. 20 - To Health, Human Services and Elderly Affairs)

HB 1129-FN-A, authorizing the department of environmental services to clean up the Gilson Road hazardous waste site and making an appropriation therefor. (McCann of Hillsborough Dist. 31; Musler of Strafford Dist. 3; Nelson of Dist. 13 - To Environment and Agriculture)

HB 1130, relative to health and safety in rental property. (Apple of Merrimack Dist. 9 - To State Institutions and Housing)

HB 1131, relative to special interest-bearing accounts for funds of clients of attorneys. (Weddle of Rockingham Dist. 24 - To Judiciary)

HB 1132, relative to excluding witnesses from criminal trials. (Spear of Cheshire Dist. 13 - To Judiciary)

HB 1133-FN, relative to the executive secretary of the New Hampshire pharmacy board. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 1134-FN, relative to the right-of-way layouts for timber access. (Schotanus of Sullivan Dist. 1; Grodin of Cheshire Dist. 6; Cole of Cheshire Dist. 10; Blaisdell of Dist. 10 - To Resources, Recreation and Development)

HB 1135, relative to weighted voting in school administrative unit affairs. (Schotanus of Sullivan Dist. 1; Burling of Sullivan Dist. 1; Sen. Hough of Dist. 5 - To Education)

HB 1136, relative to filing of annual reports with the secretary of state. (Fields of Hillsborough Dist. 13 - To Constitutional and Statutory Revision)

HB 1137, relative to condominium law. (Vartanian of Rockingham Dist. 20 - To State Institutions and Housing)

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District. (LaMott of Grafton Dist. 5 - To Municipal and County Government)

HB 1139, relative to the residence of town health officials. (Golden of Belknap Dist. 7 - To Municipal and County Government)

HB 1140, relative to the selectmen of towns. (Golden of Belknap Dist. 7 - To Municipal and County Government)

HB 1141, relative to temporary sewage holding tanks. (Boucher of Rockingham Dist. 23 - To Resources, Recreation and Development)

HB 1142, relative to divorce. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 1143, relative to registration and operation of OHRVs. (G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Transportation)

HB 1144-FN, transferring the town of Enfield from the jurisdiction of the Lebanon district court to the jurisdiction of the Hanover district court. (Rose of Grafton Dist. 11 - To Judiciary)

HB 1145-FN, relative to allowing dogs in all state parks. (Pantelakos of Rockingham Dist. 24 - To Resources, Recreation and Development)

HB 1146-FN, relative to notification to foster parents, adoptive parents, and others of information concerning a child. (Avery of Cheshire Dist. 5; Amidon of Hillsborough Dist. 7; Grip of Hillsborough Dist. 7; Dyer of Hillsborough Dist. 7; McLane of Dist. 15 - To Children, Youth and Juvenile Justice)

HB 1147-FN, establishing a committee to study the closure of existing landfills. (Bennett of Grafton Dist. 8; King of Dist. 2 - To Environment and Agriculture)

HB 1148, relative to town meeting authority to assess capital costs concerning sewers. (Pearson of Belknap Dist. 5 - To Municipal and County Government)

HB 1149-FN, relative to expending national forest reserve funds in unincorporated towns and unorganized places. (Marsh of Coos Dist. 1; Burns of Coos Dist. 5; Oleson of Coos Dist. 7; Horton of Coos Dist. 4; Nelson of Coos Dist. 8; Bond of Dist. 1 - To Resources, Recreation and Development)

HB 1150-FN, relative to the oil pollution control fund. (Vaughn of Rockingham Dist. 27 - To Resources, Recreation and Development)

HB 1151-FN, requiring certification of wastewater treatment plant operators. (Marston of Strafford Dist. 6; Sherburne of Rockingham Dist. 2 - To Resources, Recreation and Development)

HB 1152, relative to confidentiality of information regarding videotape rentals. (Spear of Cheshire Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations. (Hawkins of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 1154-FN, establishing a committee to study the professional conduct of engineers and land surveyors. (Ritzo of Rockingham Dist. 18; Peyron Sullivan Dist. 2; Callaghan of Strafford Dist. 11; Kilbride of Coos 8 Dist. 7 - To Executive Departments and Administration)

HB 1155, relative to the register of deeds as a filing officer under article 9-407 of the uniform commercial code. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 1156, relative to the order of the placement of candidates' names on ballots. (Phelps of Merrimack Dist. 1; Stio of Merrimack Dist. 5 - To Constitutional and Statutory Revision)

HB 1157-FN, relative to capital murder. (Gage of Rockingham Dist. 13; Searles of Hillsborough Dist. 19; Record of Hillsborough Dist. 23; Jasper of Hillsborough Dist. 19 - To Judiciary)

HB 1158-FN, relative to protecting the United States flag from desecration when it is properly displayed on public or private property. (Welch of Rockingham Dist. 10; Pepino of Hillsborough Dist. 37; Flanders of Rockingham Dist. 10; Phelps of Merrimack Dist. 1; Matson of Cheshire Dist. 7; Podles of Dist. 16 - To Public Protection and Veterans Affairs)

HB 1159, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1160, relative to telephone and telegraph company records. (Johnson of Merrimack Dist. 5 - To Judiciary)

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors. (Pantzer of Merrimack Dist. 11; McCain of Rockingham Dist. 11; Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 1162-A, relative to the railroad banking program and making an appropriation therefor. (Oleson of Coos Dist. 7; Teschner of Grafton Dist. 5 - To Transportation)

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident. (Gordon of Cheshire Dist. 5 - To Transportation)

HB 1164-FN, relative to student health fees at the university system of New Hampshire. (Wheeler of Hillsborough Dist. 10; Provost of Hillsborough Dist. 41; Foote of Hillsborough Dist. 39; Brady of Hillsborough Dist. 33; Bowers of Hillsborough Dist. 11 - To Education)

HB 1165, relative to permitting housing discounts to senior citizens. (West of Merrimack Dist. 21; Fillion of Merrimack Dist. 15 - To State Institutions and Housing)

HB 1166-FN-A, creating an office of employee assistance and making an appropriation therefor. (Chambers of Grafton Dist. 12; Matson of Cheshire Dist. 7; Spear of Cheshire Dist. 13; Densmore of Grafton Dist. 3 - To Executive Departments and Administration)

HB 1167-FN, relative to boxing. (Rose of Grafton Dist. 11 - To Regulated Revenues)

HB 1168-FN, relative to sexual abuse of children. (Pierce of Cheshire Dist. 17; Hill of Cheshire Dist. 14; Ritzo of Rockingham Dist. 18; Elliott of Hillsborough Dist. 2 - To Children, Youth and Juvenile Justice)

HB 1169-FN, relative to drug and alcohol testing in the workplace. (Provost of Hillsborough Dist. 41; Foote of Hillsborough Dist. 39; Wheeler of Hillsborough Dist. 10 - To Labor, Industrial and Rehabilitative Services)

HB 1170-FN, to amend the definition of overseas business organization under the business profits tax. (Ahrens of Hillsborough Dist. 13; Pappas of Hillsborough Dist. 37; Roberge of Dist. 9 - To Ways and Means)

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor. (Musler of Strafford Dist. 3; Johnson of Dist. 17 - To Public Protection and Veterans Affairs)

HB 1172-FN, relative to drivers' licenses and the mature driver. (Gordon of Cheshire Dist. 5; Emerton of Hillsborough Dist. 6; Haynes of Rockingham Dist. 9 - To Transportation)

HB 1173-FN-A, relative to a preliminary determination of wetlands and making an appropriation therefor. (Vaughn of Rockingham Dist. 27; Hill of Cheshire Dist. 14 - To Resources, Recreation and Development)

HB 1174-FN, relative to laws regarding children and minors. (McCain of Rockingham Dist. 11 - To Children, Youth and Juvenile Justice)

HB 1175-FN, granting school districts an option to implement an education voucher program. (Alukonis of Hillsborough Dist. 19; Hunt of Cheshire Dist. 9; Magee of Dist. 12 - To Education)

HB 1176-FN, relative to the volunteer instructors for the hunter safety courses. (Spencer of Strafford Dist. 4 - To Fish and Game)

HB 1177-FN, to create the New Hampshire county correctional industries authority. (Record of Hillsborough Dist. 23; Martling of Strafford Dist. 4 - To State Institutions and Housing)

HB 1178-FN-A, relative to marital masters and making an appropriation therefor. (Phelps of Merrimack Dist. 1; Gross of Merrimack Dist. 16; Hough of Dist. 5 - To Judiciary)

HB 1179-FN, relative to fair credit reporting. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; McCain of Rockingham Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 1180, relative to the completion of the study date of the Concord to Spaulding Turnpike. (Marsh of Coos Dist. 1 - To Public Works)

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza. (Marsh of Coos Dist. 1 - To Public Works)

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates. (Marsh of Coos Dist. 1 - To Public Works)

HB 1183, relative to supervision of highway agents. (Marsh of Coos Dist. 1 - To Public Works)

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation. (Marsh of Coos Dist. 1 - To Public Works)

HB 1185, to reclassify portions of certain highways in the town of New Castle. (Marsh of Coos Dist. 1 - To Public Works)

HB 1186-FN-A, increasing the appropriation to the highway inventory fund. (Marsh of Coos Dist. 1 - To Public Works)

HB 1187, prohibiting certain items from being deposited in a highway litter receptacle. (Marsh of Coos Dist. 1 - To Public Works)

HB 1188-FN, establishing an optional program based on rebate of the school portion of local property tax. (Chase of Rockingham Dist. 28 - To Education)

HB 1189-FN, relative to reimbursement for acts which require emergency services. (Ballou of Belknap Dist. 5; Daly of Carroll Dist. 3 - To Public Protection and Veterans Affairs)

HB 1190-FN, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects. (Sallada of Hillsborough Dist. 4 - To Legislative Administration)

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor. (Sallada of Hillsborough Dist. 4 - To Legislative Administration)

HB 1192-FN-A, establishing a New Hampshire small business mini-loan program and making an appropriation therefor. (Chambers of Grafton Dist. 12; Spear of Cheshire Dist. 13; Matson of Cheshire Dist. 7; Densmore of Grafton Dist. 3 - To Commerce, Small Business and Consumer Affairs)

HB 1193-FN, relative to wage withholding. (Domini of Sullivan Dist. 5; Bean of Grafton Dist. 13; McCain of Rockingham Dist. 11; Brown of Strafford Dist. 11; Cooke of Rockingham Dist. 20; Podles of Dist. 16; Roberge of Dist. 9 - To Children, Youth and Juvenile Justice)

HB 1194-FN, relative to costs of court-ordered services for or placement of minors and children. (McCain of Rockingham Dist. 11; Bean of Grafton Dist. 13; Searles of Hillsborough Dist. 19 - To Children, Youth and Juvenile Justice)

HB 1195-FN, relative to seasonal beverage permits. (Behrens of Sullivan Dist. 3; Klemm of Rockingham Dist. 22; McKinney of Rockingham Dist. 23; Kelley of Hillsborough Dist. 13; Lemire of Coos 8 - To Regulated Revenues)

HB 1196-FN, relative to the jurisdiction of the wetlands board. (Vartanian of Rockingham Dist. 20 - To Resources, Recreation and Development)

HB 1197, to identify individual contributors to political campaigns. (Jacobson of Merrimack Dist. 2 - To Constitutional and Statutory Revision)

HB 1198-FN, relative to disputes arising out of placement of a child by a custodial parent in a private school or drug treatment facility. (Millard of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

HB 1199-FN-A, relative to the insurance premium tax as the source of funding for the victims' assistance fund and making an appropriation therefor. (Gage of Rockingham Dist. 13; Spencer of Strafford Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 1200-FN, to change the name of the governor's commission for the handicapped. (Sytek of Rockingham Dist. 20 - To Health, Human Services and Elderly Affairs)

HB 1201, relative to the recall of elected town officials. (Oleson of Coos Dist. 7 - To Municipal and County Government)

HB 1202-FN, establishing the New Hampshire foundation for mental health. (Kidd of Merrimack Dist. 2 - To Health, Human Services and Elderly Affairs)

HB 1203-FN-A, to tax all tobacco products. (Gage of Rockingham Dist. 13; Martling of Strafford Dist. 4; Sen. Currier of Dist. 7 - To Regulated Revenues)

HB 1204-FN, reinstating the corporate charter of the Waltham Screw Co., Inc. (Spear of Cheshire Dist. 13; Blaisdell of Dist. 10 - To Constitutional and Statutory Revision)

HB 1205-FN-A, relative to a town road improvement program and increased construction and reconstruction highway aid. (Rose of Grafton Dist. 11; Boucher of Rockingham Dist. 23; Brown of Grafton Dist. 13; Dube of Rockingham Dist. 9; Disnard of Dist. 8 - To Public Works)

HB 1206, relative to claims to dower, curtesy and homestead rights. (Whittemore of Merrimack Dist. 10 - To Judiciary)

HB 1207-FN-A, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson of Merrimack Dist. 2; Burling of Sullivan Dist. 1 - To Judiciary)

HB 1208-FN, reducing certain misdemeanors to violations. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1209-FN, relative to the storage and disposal of low-level radioactive wastes. (Arnesen of Grafton Dist. 7; Hanselman of Hillsborough Dist. 17; Chambers of Grafton Dist. 12 - To Science, Technology and Energy)

HB 1210-FN, establishing the public school choice program. (Pierce of Cheshire Dist. 17 - To Education)

HB 1211, establishing a mandatory period of silence at the beginning of each school day. (Pierce of Cheshire Dist. 17 - To Education)

HB 1212-FN-A, relative to flagpoles on the state house plaza and making an appropriation therefor. (Warburton of Rockingham Dist. 6 - To State Institutions and Housing)

HB 1213-FN, relative to terminating optional retirement allowances. (Millard of Merrimack Dist. 4 - To Executive Departments and Administration)

HB 1214-FN, relative to regional refuse disposal district and solid waste management planning committee members. (Hill of Cheshire Dist. 14; Matson of Cheshire Dist. 7 - To Environment and Agriculture)

HB 1215, relative to mandatory risk sharing plans. (Copenhaver of Grafton Dist. 12 - To Commerce, Small Business and Consumer Affairs)

HB 1216-FN, relative to video tape depositions of children. (Lozeau of Hillsborough Dist. 25; Pratt of Cheshire Dist. 3 - To Children, Youth and Juvenile Justice)

HB 1217-FN, relative to fair credit billing. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; McCain of Rockingham Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 1218-FN, relative to defense and indemnification of bail commissioners. (Warburton of Rockingham Dist. 6; Hoar of Rockingham Dist. 6; Podles of Dist. 16 - To Judiciary)

HB 1219-FN, relative to the oil discharge and disposal cleanup fund. (Lewis of Merrimack Dist. 5; Holbrook of Belknap Dist. 13; Charbonneau of Dist. 14 - To Resources, Recreation and Development)

HB 1220-FN, relative to fireworks. (Pantelakos of Rockingham Dist. 24; Pfaff of Merrimack Dist. 9; Preston of Dist. 23; Krasker of Dist. 24 - To Public Protection and Veterans Affairs)

HB 1221-FN-A, establishing a strike force on child molestation in the department of justice and making an appropriation therefor. (Pierce of Cheshire Dist. 17 - To Children, Youth and Juvenile Justice)

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup. (Lewis of Merrimack Dist. 5; Holbrook of Belknap Dist. 13; Stamatakis of Sullivan Dist. 4; Charbonneau of Dist. 14 - To Resources, Recreation and Development)

HB 1223-FN, to exempt conservation districts from taxation. (Copenhaver of Grafton Dist. 12; Dodge of Carroll Dist. 2; Wall of Strafford Dist. 4 - To Municipal and County Government)

HB 1224-FN, relative to notice to parties prior to issuance of court opinions. (Hill of Cheshire Dist. 14 - To Judiciary)

HB 1225-FN-A, relative to retirement benefits for certain legislative and constitutional officers and making an appropriation therefor. (Reidy of Hillsborough Dist. 45 - To Executive Departments and Administration)

HB 1226-FN, relative to leave sharing policies. (Packard of Hillsborough Dist. 15; Bennett of Merrimack Dist. 17 - To Executive Departments and Administration)

HB 1227-FN, relative to local prevention programs. (Bean of Grafton Dist. 13; Wallner of Merrimack Dist. 21; McCain of Rockingham Dist. 11; King of Dist. 2 - To Children, Youth and Juvenile Justice)

HB 1228-FN, relative to preparation of master jury lists by computer. (Klemarczyk of Rockingham Dist. 13; Anderson of Rockingham Dist. 13; Emerton of Hillsborough Dist. 6; G. Katsakiores of Rockingham Dist. 7; Donovan of Hillsborough Dist. 26 - To Judiciary)

HB 1229-FN, relative to organizational and personnel changes within the department of corrections. (Sytek of Rockingham Dist. 20; Mace of Rockingham Dist. 21 - To Executive Departments and Administration)

HB 1230-FN, allowing Hart's Location to establish a school district. (Chandler of Carroll Dist. 1; Heath of Dist. 3 - To Education)

HB 1231-FN, granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire Purple Heart license plates. (McDowell of Hillsborough Dist. 29 - To Public Works)

HB 1232-FN, relative to certificates of appreciation for members of the general court. (McDowell of Hillsborough Dist. 29; Morrisette of Hillsborough Dist. 30; Magee of Dist. 12 - To Legislative Administration)

HB 1233-FN, relative to first degree murder, capital murder, and the death penalty. (Brown of Rockingham Dist. 14; Palazzo of Rockingham Dist. 16; Felch of Rockingham Dist. 14 - To Judiciary)

HB 1234-FN, relative to guardian's authority to admit to institutions. (Martling of Strafford Dist. 4; Burling of Sullivan Dist. 1; Bass of Dist. 11; Hough of Dist. 5 - To Judiciary)

HB 1235-FN, relative to waivers in accident and health insurance policies. (Dickinson of Carroll Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 1236, relative to the fish and game commission. (Pfaff of Merrimack Dist. 9; Merrill of Coos Dist. 1; Charbonneau of Dist. 14; Heath of Dist. 3 - To Fish and Game)

HB 1237-FN, relative to workers' compensation for certain employees. (Pfaff of Merrimack Dist. 9 - To Labor, Industrial and Rehabilitative Services)

HB 1238-FN-A, relative to motor vehicle road tolls and license fees. (LaMott of Grafton Dist. 5; Flanders of Rockingham Dist. 10; Swope of Strafford Dist. 1; Podles of Dist. 16 - To Public Works)

HB 1239-FN, relative to transportation of juveniles by county sheriffs. (LaMott of Grafton Dist. 5 - To Children, Youth and Juvenile Justice)

HB 1240-FN, relative to the purchase and distribution of drugs for the control of infectious diseases. (Sochalski of Rockingham Dist. 23; Wheeler of Strafford Dist. 4 - To Health, Human Services and Elderly Affairs)

HB 1241, relative to the observance of Memorial Day. (Hoar of Rockingham Dist. 6; Wall of Strafford Dist. 4; Robinson of Hillsborough Dist. 12; Matson of Cheshire Dist. 7; Hough of Dist. 5; Freese of Dist. 4 - To Public Protection and Veterans Affairs)

HB 1242-FN, relative to DWI and the ignition interlock device. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 1243-FN, relative to penalties for abuse or neglect resulting in a death. (Pfaff of Merrimack Dist. 9; Pappas of Hillsborough Dist. 37; Boucher of Rockingham

Dist. 23; Roberge of Dist. 9; Charbonneau of Dist. 14; Heath of Dist. 3 - To Judiciary)

HB 1244, relative to municipal charters. (MacDonald of Rockingham Dist. 7; Perry of Cheshire Dist. 10; Nelson of Dist. 13 - To Municipal and County Government)

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children. (Pierce of Cheshire Dist. 17 - To Judiciary)

HB 1246-FN, relative to hazardous duty pay for state and county corrections officers. (Provost of Hillsborough Dist. 41 - To Executive Departments and Administration)

HB 1247, relative to criminal laws regarding children. (Pierce of Cheshire Dist. 17 - To Children, Youth and Juvenile Justice)

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 1249, relative to the approval of union contracts by the county convention and its executive committee. (Ahrens of Hillsborough Dist. 13; Reidy of Hillsborough Dist. 45; Pappas of Hillsborough Dist. 37; Record of Hillsborough Dist. 23; Roberge of Dist. 9 - To Municipal and County Government)

HB 1250-FN, relative to employees of the dog and horse racing industry. (Wells of Rockingham Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 1251-FN, relative to certain municipal filing fees and registration of dogs and relative to deputy town clerks. (Klemarczyk of Rockingham Dist. 13; Ritzo of Rockingham Dist. 18; Anderson of Rockingham Dist. 13; Emerton of Hillsborough Dist. 6; Hawkins of Belknap Dist. 5 - To Municipal and County Government)

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services. (Blanchard of Rockingham Dist. 26; Freese of Dist. 4 - To Environment and Agriculture)

HB 1253-FN, granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire former P.O.W. license plates. (McDowell of Hillsborough Dist. 29; Morrisette of Hillsborough Dist. 30; Lefebvre of Hillsborough Dist. 29; Vaughn of Rockingham Dist. 27 - To Public Works)

HB 1254, relative to smoking in laundromats. (Harlan of Hillsborough Dist. 25 - To Health, Human Services and Elderly Affairs)

HB 1255, relative to rent justification in manufactured housing parks. (Lozeau of Hillsborough Dist. 25; Chambers of Grafton Dist. 12 - To State Institutions and Housing)

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees. (Skinner of Rockingham Dist. 21; Klemm of Rockingham Dist. 22; Phelps of Merrimack Dist. 1; Simon of Rockingham Dist. 9 - To Regulated Revenues)

HB 1257, relative to motor vehicle road tolls. (Gordon of Cheshire Dist. 5 - To Transportation)

HB 1258-FN, establishing a New Hampshire clean lakes program. (Bardsley of Merrimack Dist. 1; Blanchard of Rockingham Dist. 26; Conroy of Rockingham Dist. 7; McLane of Dist. 15 - To Resources, Recreation and Development)

HB 1259-FN, relative to the unclaimed and abandoned property act. (Krueger of Sullivan Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 1260-FN, relative to collecting ambulatory health care data from insurance carriers. (Copenhaver of Grafton Dist. 12; Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; Hough of Dist. 5 To - Commerce, Small Business and Consumer Affairs)

HB 1261-FN, relative to data collection from certain hospitals and medical centers. (Copenhaver of Grafton Dist. 12; Pantzer of Merrimack Dist. 11; Foster of Carroll Dist. 4; Hough of Dist. 5 - To Health, Human Services and Elderly Affairs)

HB 1262, relative to recording of ancient plats. (LaMott of Grafton Dist. 5 - To Municipal and County Government)

HB 1263-FN, relative to the aeronautical fund. (Marsh of Coos Dist. 1 - To Transportation)

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures. (Soldati of Merrimack Dist. 19 - To Judiciary)

HB 1265-FN, relative to consumer motor vehicle warranties. (Pelley of Strafford Dist. 10; Wall of Strafford Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 1266-FN-A, establishing casino gambling in New Hampshire and making an appropriation therefor. (Pierce of Cheshire Dist. 17 - To Regulated Revenues)

HB 1267-FN, relative to assault weapons. (Gilmore of Strafford Dist. 7; Matson of Cheshire Dist. 7 - To Public Protection and Veterans Affairs)

HB 1268-FN, relative to the interest rate charged to delinquent property tax payers. (Gross of Merrimack Dist. 16 - To Municipal and County Government)

HB 1269-FN, relative to truth in lending. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; McCain of Rockingham Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 1270-FN, relative to the enforcement of the hazardous waste laws. (Haynes of Rockingham Dist. 9 - To Environment and Agriculture)

HB 1271-FN-A, relative to constitutional literacy, public officials, and certain employees and making an appropriation therefor. (Peters of Belknap Dist. 12; Ouellette of Hillsborough Dist. 48; Wheeler of Hillsborough Dist. 10 - To Education)

HB 1272, relative to repairs to products under warranty. (Harland of Sullivan Dist. 8 - To Commerce, Small Business and Consumer Affairs)

HB 1273-FN, regulating certain aspects of laundromats. (Harland of Sullivan Dist. 8 - To Commerce, Small Business and Consumer Affairs)

HB 1274-FN, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn. (Chase of Rockingham Dist. 28 - To Public Works)

HB 1275-FN-A, requiring a uniform condensed version of department of education information on handicapped children and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Education)

HB 1276, relative to sales of motor vehicles. (Torr of Strafford Dist. 6; Blaisdell of Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 1277-FN-A, providing technical assistance for local drug law enforcement and making an appropriation therefor. (Chambers of Grafton Dist. 12 - To Appropriations)

HB 1278-FN, relative to senior assistant attorneys general. (Gage of Rockingham Dist. 13 - To Executive Departments and Administration)

HB 1279-FN, relative to state guaranteed loans. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1280, relative to funeral establishments. (Brown of Strafford Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 1281-FN, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy. (Baldizar of Hillsborough Dist. 22; Burling of Sullivan Dist. 1; Copenhaver of Grafton Dist. 12; Pappas of Hillsborough Dist. 37; Magee of Dist. 12; Nelson of Dist. 13 - To Children, Youth and Juvenile Justice)

HB 1282-FN, relative to licensing of nondepository first mortgage bankers and brokers. (Pantzer of Merrimack Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 1283-FN, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant. (Ritzo of Rockingham Dist. 18; Skinner of Rockingham Dist. 21; Disnard of Dist. 8 - To Education)

HB 1284, relative to penalties for violations of the weights and measures law. (Hollingworth of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 1285, relative to agricultural labor and unemployment compensation. (Millard of Merrimack Dist. 4 - To Labor, Industrial and Rehabilitative Services)

HB 1286, relative to special education. (Laurent of Cheshire Dist. 2; Hough of Dist. 5 - To Education)

HB 1287-FN-A, relative to the deaf and hard of hearing and making an appropriation therefor. (Sochalski of Rockingham Dist. 23; Nelson of Dist. 13 - To Health, Human Services and Elderly Affairs)

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel. (Carter of Merrimack Dist. 5; Flint of Sullivan Dist. 2; Skinner of Rockingham Dist. 21; Hough of Dist. 5 - To Education)

HB 1289-FN, relative to DWI offenses. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1290-FN-A, making appropriations for flood control reimbursements. (Bardsley of Merrimack Dist. 1; Lewis of Merrimack Dist. 5; Phelps of Merrimack Dist. 1 - To Resources, Recreation and Development)

HB 1291-FN, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor. (Wright of Rockingham Dist. 23 - To Appropriations)

HB 1292-FN, relative to funeral homes and professional offices. (Weddle of Rockingham Dist. 24 - To Health, Human Services and Elderly Affairs)

HB 1293-FN, relative to securities licensing procedures. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 1294-FN, relative to payment for medical services in certain child support cases. (Weddle of Rockingham Dist. 24 - To Children, Youth and Juvenile Justice)

HB 1295-FN-A, appropriating oil overcharge funds. (Densmore of Grafton Dist. 3; Spear of Cheshire Dist. 13; Torr of Strafford Dist. 6; Phelps of Merrimack Dist. 1 - To Appropriations)

HB 1296-FN, regulating the use of automatic telephone dialing and announcing equipment. (Kurk of Hillsborough Dist. 3 - To Science, Technology and Energy)

HB 1297-FN, establishing a committee to study meeting scheduling for the house of representatives. (Woodburn of Coos Dist. 6 - To Legislative Administration)

HB 1298-FN-A, establishing a committee to study the legalization of drugs and making an appropriation therefor. (Weddle of Rockingham Dist. 24 - To Health, Human Services and Elderly Affairs)

HB 1299-FN, relative to enhanced sentences for "hate crimes." (Trombly of Merrimack Dist. 4 - To Judiciary)

HB 1300, relative to financing for community facilities of nonprofit community providers. (Densmore of Grafton Dist. 3; Hough of Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire. (Fraser of Merrimack Dist. 6; Delahunty of Dist. 22 - To Commerce, Small Business and Consumer Affairs)

HB 1302-FN-A, allocating funds to the office of state planning to further develop a statewide geographic information system and making an appropriation therefor. (Metzger of Cheshire Dist. 11; Wadsworth of Grafton Dist. 13; Robinson of Hillsborough Dist. 12; Senter of Rockingham Dist. 9; Scharff of Strafford Dist. 6; Currier of Dist. 7 - To Municipal and County Government)

HB 1303-FN, relative to volunteer firefighters. (LaMott of Grafton Dist. 5 - To Public Protection and Veterans Affairs)

HB 1304-FN, establishing a committee to study mobile health care units. (Bennett of Grafton Dist. 8; Bond of Dist. 1 - To Health, Human Services and Elderly Affairs)

HB 1305-FN, relative to administering blood alcohol concentration and drug content tests. (Musler of Strafford Dist. 3; Johnson of Dist. 17 - To Public Protection and Veterans Affairs)

HB 1306-FN, relative to the procedures of the certificate of need board. (Torr of Strafford Dist. 6; Foster of Carroll Dist. 4; Delahunty of Dist. 22 - To Health, Human Services and Elderly Affairs)

HB 1307-FN, changing the penalty for felonious use of firearms. (Young of Cheshire Dist. 1; Dickinson of Carroll Dist. 2 - To Judiciary)

HB 1308-FN, increasing the time of driver license revocation for driving while possessing controlled drugs and administrative forfeiture of vehicles and vessels connected with drugs. (Gage of Rockingham Dist. 13; Spencer of Strafford Dist. 4; Jasper of Hillsborough Dist. 19; Podles of Dist. 16; Roberge of Dist. 9; Charbonneau of Dist. 14 - To Judiciary)

HB 1309, authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snowmaking. (Randall of Belknap Dist. 2 - To Resources, Recreation and Development)

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system. (Hill of Merrimack Dist. 14; Fillion of Merrimack Dist. 15 - To Executive Departments and Administration)

HB 1311-FN, relative to compensation for goodwill under certain circumstances for leased property. (P. Katsakiores of Rockingham Dist. 7; Conroy of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 1312-FN, relative to employee prescription drug benefits and health care centers. (Krueger of Sullivan Dist. 6; Roberge of Dist. 9 - To Health, Human Services and Elderly Affairs)

HB 1313-FN, relative to mental health counselors. (Hawkins of Belknap Dist. 5; Fillion of Merrimack Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 1314, prohibiting certain pre-judgment attachments and liens. (Hunter of Hillsborough Dist. 6; Pfaff of Merrimack Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 1315-FN, relative to child support guidelines. (Domini of Sullivan Dist. 5; Bean of Grafton Dist. 13; McCain of Rockingham Dist. 11; Brown of Strafford Dist. 11; Cooke of Rockingham Dist. 20; Podles of Dist. 16; Roberge of Dist. 9 - To Children, Youth and Juvenile Justice)

HB 1316-FN, relative to the uniform reciprocal enforcement of support act. (Domini of Sullivan Dist. 5; Bean of Grafton Dist. 13; McCain of Rockingham Dist. 11; Brown of Strafford Dist. 11; Cooke of Rockingham Dist. 20; Podles of Dist. 16; Roberge of Dist. 9 - To Children, Youth and Juvenile Justice)

HB 1317, relative to a feasibility study for a monorail system at Hampton Beach. (Ritzo of Rockingham Dist. 18; Malcolm of Rockingham Dist. 17; Johnson of Merrimack Dist. 5; Klemarczyk of Rockingham Dist. 13; Preston of Dist. 23 - To Public Works)

HB 1318-FN-A, to study the feasibility of developing a bike path near Odiorne Point in the city of Portsmouth and the town of Rye and making an appropriation therefor. (Weddle of Rockingham Dist. 24; Bell of Rockingham Dist. 26; Drake of Rockingham Dist. 18 - To Public Works)

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel. (Dickinson of Carroll Dist. 2; Allard of Carroll Dist. 2 - To Transportation)

HB 1320-FN, relative to watercraft sewage pump-out facilities at marinas. (Scanlan of Grafton Dist. 11; Felch of Rockingham Dist. 14; McCann of Strafford Dist. 7; Vaughn of Rockingham Dist. 27; Blanchard of Rockingham Dist. 26; Preston of Dist. 23; Torr of Dist. 21; Krasker of Dist. 24 - To Resources, Recreation and Development)

HB 1321-FN, establishing a study committee to determine the feasibility of commercial shell fishing. (Scanlan of Grafton Dist. 11; Vaughn of Rockingham Dist. 27; Felch of Rockingham Dist. 14; Palazzo of Rockingham Dist. 16; Preston of Dist. 23; Torr of Dist. 21; Krasker of Dist. 24 - To Fish and Game)

HB 1322-FN, relative to mediation of labor disputes. (Guay of Coos Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 1323, relative to the uniformed officers of the division of state police. (Simon of Rockingham Dist. 9; Klemm of Rockingham Dist. 22 - To Executive Departments and Administration)

HB 1324-FN, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin. (Scanlan of Grafton Dist. 11; Felch of Rockingham Dist. 14; Vaughn of Rockingham Dist. 27; Palazzo of Rockingham Dist. 16; McCann of Strafford Dist. 7; Preston of Dist. 23; Torr of Dist. 21; Krasker of Dist. 24 - To Resources, Recreation and Development)

HB 1325-FN, relative to eligibility under the aid to the permanently and totally disabled program. (Copenhaver of Grafton Dist. 12; McLane of Dist. 15 - To Health, Human Services and Elderly Affairs)

HB 1326-FN, relative to the sale or lease of certain institutional lands. (Soldati of Merrimack Dist. 19; Hill of Cheshire Dist. 14; Hill of Merrimack Dist. 14; Bennett of Grafton Dist. 8; McCain of Rockingham Dist. 11; Dupont of Dist. 6 - To State Institutions and Housing)

HB 1327-FN, relative to compulsory school attendance. (Skinner of Rockingham Dist. 21; Carter of Merrimack Dist. 5; Guest of Grafton Dist. 12; Flint of Sullivan Dist. 2; Disnard of Dist. 8; Delahunty of Dist. 22 - To Education)

HB 1328-FN, relative to probationary drivers' licenses. (Spencer of Strafford Dist. 4; Bickford of Strafford Dist. 10; Pelley of Strafford Dist. 10; Podles of Dist. 16; Roberge of Dist. 9; Preston of Dist. 23 - To Judiciary)

HB 1329-FN, relative to revocation of licenses of drivers under the DWI laws and changing a certain program name. (Spencer of Strafford Dist. 4; Green of Hillsborough Dist. 36; Bickford of Strafford Dist. 10; Pelley of Strafford Dist. 10; Podles of Dist. 16; Roberge of Dist. 9; Preston of Dist. 23 - To Judiciary)

HB 1330-FN-A, relative to a state income tax and making an appropriation for administrative costs, and funding state aid to education. (Spencer of Strafford Dist. 4 - To Ways and Means)

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor. (Fraser of Merrimack Dist. 6; Ward of Grafton Dist. 1; Delahunty of Dist. 22 - Executive Departments and Administration)

HB 1332-FN, relative to "Med-Aids." (Chase of Rockingham Dist. 28; Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 1333-FN, relative to studying and reviewing the New Hampshire housing finance authority. (Fesh of Rockingham Dist. 7 - To State Institutions and Housing)

HB 1334-FN, relative to telephone utilities service territories. (Harlan of Hillsborough Dist. 25 - To Science, Technology and Energy)

HB 1335-FN, relative to mandatory sentencing and plea bargaining in certain child molestation cases. (Pierce of Cheshire Dist. 17 - To Judiciary)

HB 1336-FN, relative to organ transplants. (Weddle of Rockingham Dist. 24; Robinson of Hillsborough Dist. 12 - To Health, Human Services and Elderly Affairs)

HB 1337-FN, relative to methane recovery. (Wright of Rockingham Dist. 23 - To Environment and Agriculture)

HB 1338, including certain towns in mining exceptions. (Burton of Strafford Dist. 4; Wheeler of Strafford Dist. 4 - To Environment and Agriculture)

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way. (Maviglio of Belknap Dist. 1 - To Environment and Agriculture)

HB 1340-FN, relative to proof of age requirements for rental of video cassettes and admission to movies. (Baldizar of Hillsborough Dist. 22; Lozeau of Hillsborough Dist. 25; McCann of Strafford Dist. 7; McRae of Hillsborough Dist. 6; Magee of Dist. 12 - To Children, Youth and Juvenile Justice)

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester. (Hunter of Hillsborough Dist. 6; Emerton of Hillsborough Dist. 6; McRae of Hillsborough Dist. 6 - To Transportation)

HB 1342, relative to school district elections. (Jasper of Hillsborough Dist. 19; Searles of Hillsborough Dist. 19; Smith of Hillsborough Dist. 21; Charbonneau of Dist. 14 - To Education)

HB 1343-FN, establishing a study committee on private contract prison systems. (Pierce of Cheshire Dist. 17; Domini of Sullivan Dist. 5; Podles of Dist. 16 - To Public Works)

HB 1344, relative to least cost planning by electric utilities. (Merrill of Strafford Dist. 4; Spear of Cheshire Dist. 13; Wright of Rockingham Dist. 23; Smith of Hillsborough Dist. 21; Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 1345-FN, relative to high speed pursuit. (Pappas of Hillsborough Dist. 37; Pfaff of Merrimack Dist. 9 - To Judiciary)

HB 1346-FN, to restore medical benefits for certain individuals. (Torr of Strafford Dist. 6; Chambers of Grafton Dist. 12; Scamman of Rockingham Dist. 19; Bartlett of Dist. 19 - To Executive Departments and Administration)

HB 1347-FN-A, to review area agencies and the community developmental services system and making an appropriation therefor and relative to quality assurance records of community mental health programs. (Nardi of Hillsborough Dist. 35; Foster of Cheshire Dist. 17; Hough of Dist. 5 - To Health, Human Services and Elderly Affairs)

HB 1348-FN-A, relative to access to health care for the uninsured and making an appropriation therefor. (Pappas of Hillsborough Dist. 37; Fair of Merrimack Dist. 7; McLane of Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 1349-FN-A, relative to increasing provider participation in the medicaid program and medicaid coverage of pre-natal services and making appropriations therefor. (Micklon of Rockingham Dist. 20; Wheeler of Strafford Dist. 4; McLane of Dist. 15; Nelson of Dist. 13 - To Health, Human Services and Elderly Affairs)

HB 1350-A, increasing the appropriation for constructing regional vocational education centers. (Robinson of Hillsborough Dist. 12; Alukonis of Hillsborough Dist. 19; Smith of Hillsborough Dist. 21; Searles of Hillsborough Dist. 19; Nelson of Dist. 13; Charbonneau of Dist. 14; Disnard of Dist. 8 - To Public Works)

HB 1351, relative to employment termination. (Holmes of Merrimack Dist. 13; Pearson of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 1352, relative to employee lunch breaks. (Holmes of Merrimack Dist. 13; Pearson of Belknap Dist. 5 - To Labor, Industrial and Rehabilitative Services)

HB 1353-FN, relative to the oversight committee on health and human services. (Sochalski of Rockingham Dist. 23; Foster of Carroll Dist. 4; Bennett of Grafton Dist. 8; Krasker of Dist. 24 - To Health, Human Services and Elderly Affairs)

HB 1354-FN, relative to boat registrations. (Dickinson of Carroll Dist. 2; Dionne of Strafford Dist. 5; Young of Strafford Dist. 10; Haynes of Rockingham Dist. 9; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 1355-FN-A, relative to the by-pass around the towns of Conway and North Conway and making an appropriation therefor. (Dickinson of Carroll Dist. 2; Allard of Carroll Dist. 2; Dodge of Carroll Dist. 2 - To Public Works)

HB 1356-FN-A, relative to upgrading Route 16 in the town of Conway and making an appropriation therefor. (Dickinson of Carroll Dist. 2 - To Public Works)

HB 1357, relative to the rulemaking authority of the commissioner of environmental services. (Trombly of Merrimack Dist. 4; Musler of Strafford Dist. 3 - To Environment and Agriculture)

HB 1358-FN, requiring certain buildings to be designed and constructed to accommodate recycling. (Arnesen of Grafton Dist. 7; Pignatelli of Hillsborough Dist. 31; Merrill of Strafford Dist. 4 - To Environment and Agriculture)

HB 1359-FN, relative to regional vocational education. (Guest of Grafton Dist. 12 - To Education)

HB 1360-FN, relative to the regulation of private detectives. (Johnson of Merrimack Dist. 5; Seward of Rockingham Dist. 3 - To Public Protection and Veterans Affairs)

HB 1361-FN, relative to locations where blood and urine samples may be tested for driving while under the influence of controlled drugs. (Gage of Rockingham Dist. 13;

Jasper of Hillsborough Dist. 19; Spencer of Strafford Dist. 4; Podles of Dist. 16; Roberge of Dist. 9; Charbonneau of Dist. 14 - To Judiciary)

HB 1362, relative to penalties for DWI offenses. (Spencer of Strafford Dist. 4; Green of Hillsborough Dist. 36; Bickford of Strafford Dist. 10; Podles of Dist. 16; Roberge of Dist. 9; Preston of Dist. 23 - To Judiciary)

HB 1363-FN, relative to driving after revocation or suspension. (Spencer of Strafford Dist. 4; Bickford of Strafford Dist. 10; Podles of Dist. 16; Roberge of Dist. 9; Preston of Dist. 23 - To Judiciary)

HB 1364, relative to energy conservation standards in new building construction. (Merrill of Strafford Dist. 4; Spear of Cheshire Dist. 13; Wright of Rockingham Dist. 23; Smith of Hillsborough Dist. 21 - To Science, Technology and Energy)

HB 1365-FN, relative to second mortgage bankers and brokers. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; McCain of Rockingham Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 1366-FN-A, to impose a state income tax to fund education aid and aid to municipalities and making an appropriation for administrative costs, and providing for property tax relief claims. (Arnesen of Grafton Dist. 7; LaMar of Cheshire Dist. 16 - To Ways and Means)

HB 1367-A, authorizing construction of a new courthouse in Rockingham county and making an appropriation therefor. (Skinner of Rockingham Dist. 21; Chase of Rockingham Dist. 28; McCain of Rockingham Dist. 11 - To Public Works)

HB 1368-FN, to impose a disposable diaper fee. (LaMar of Cheshire Dist. 16; Arnesen of Grafton Dist. 7; Merrill of Strafford Dist. 4; Pignatelli of Hillsborough Dist. 31; King of Dist. 2 - To Environment and Agriculture)

HB 1369-FN, relative to permits, waiting periods, and penalties regarding the purchasing and carrying of firearms. (Lown of Hillsborough Dist. 9; Baldizar of Hillsborough Dist. 22; Wheeler of Strafford Dist. 4; McCain of Rockingham Dist. 11; Pignatelli of Hillsborough Dist. 31; Magee of Dist. 12 - To Public Protection and Veterans Affairs)

HB 1370, relative to a statement of consideration on deeds. (Gage of Rockingham Dist. 13 - To Municipal and County Government)

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. (Marsh of Coos Dist. 1; Horton of Coos Dist. 4; Nelson of Coos Dist. 8; Burns of Coos Dist. 5; Oleson of Coos Dist. 7; Bond of Dist. 1 - To Public Works)

HB 1372, relative to interim rules under the administrative procedure act. (Copenhaver of Grafton Dist. 12 - To Legislative Administration)

HB 1373-FN, relative to liquor licenses for bowling centers. (Simon of Rockingham Dist. 9; Phelps of Merrimack Dist. 1 - To Regulated Revenues)

HB 1374-FN-A, relative to guardians ad litem and making an appropriation therefor. (Brown of Strafford Dist. 11 - To Children, Youth and Juvenile Justice)

HB 1375-FN, relative to impact fee legislation. (Wadsworth of Grafton Dist. 13; Spear of Cheshire Dist. 13; Phelps of Merrimack Dist. 1; Currier of Dist. 7 - To Municipal and County Government)

HB 1376-FN-A, relative to a public water rights report and advisory committee and making an appropriation therefor. (Blanchard of Rockingham Dist. 26; Dickinson of Carroll Dist. 2; LaMott of Grafton Dist. 5; Delahunty of Dist. 22; Freese of Dist. 4; Torr of Dist. 21 - To Resources, Recreation and Development)

HB 1377-FN-A, to provide a business profits tax credit for businesses which provide transportation for their employees. (Cole of Cheshire Dist. 3; Dickinson of Carroll of Dist. 2 - To Ways and Means)

HB 1378, relative to the Hillsborough county budget committee. (Barry of Hillsborough Dist. 10 - To Municipal and County Government)

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges. (Wright of Rockingham Dist. 23 - To Resources, Recreation and Development)

HB 1380-FN, relative to mandatory automobile insurance. (Pelley of Strafford Dist. 10; Chambers of Grafton Dist. 12; Podles of Dist. 16 - To Commerce, Small Business and Consumer Affairs)

HB 1381-FN, relative to public access to records. (Pierce of Cheshire Dist. 17; Hill of Cheshire Dist. 14 - To Judiciary)

HB 1382-FN-A, relative to retirement compensation for judges and making an appropriation for an actuarial study of certain judges. (Gross of Merrimack Dist. 16; Ward of Grafton Dist. 1; Bartlett of Dist. 19; Blaisdell of Dist. 10 - To Executive Departments and Administration)

HB 1383-FN, relative to drug and alcohol education and rehabilitation. (McCain of Rockingham Dist. 11; Bell of Rockingham Dist. 26; Nordgren of Grafton Dist. 12; Bowers of Hillsborough Dist. 11; Pratt of Cheshire Dist. 3 - To Health, Human Services and Elderly Affairs)

HB 1384, relative to use of genetic test results as evidence in paternity proceedings. (Spear of Cheshire Dist. 13; Wallner of Merrimack Dist. 21; Domini of Sullivan Dist. 5; Torr of Strafford Dist. 6; Charbonneau of Dist. 14; Nelson of Dist. 13 - To Judiciary)

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 1386-FN, relative to child support enforcement. Domini of Sullivan Dist. 5; Bean of Grafton Dist. 13; McCain of Rockingham Dist. 11; Brown of Strafford Dist. 11; Cooke of Rockingham Dist. 20; Podles of Dist. 16; Roberge of Dist. 9 - To Children, Youth and Juvenile Justice)

HB 1387-FN, requiring an annual registration fee for docks and related structures. (Marston of Strafford Dist. 6 - To Resources, Recreation and Development)

HB 1388-FN, relative to the imposition of activity fees by the department of environmental services. (Millard of Merrimack Dist. 4; Musler of Strafford of Dist. 3 - To Environment and Agriculture)

HB 1389-FN-A, relative to the taxation of banks. (Ahrens of Hillsborough Dist. 13; Currier of Dist. 7 - To Ways and Means)

HB 1390-FN-A, to impose a telecommunications excise tax. (Blacketor of Cheshire Dist. 12; Grip of Hillsborough Dist. 7 - To Ways and Means)

HB 1391-FN, relative to registration decals for docks, floats and swim rafts. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 1392-FN, relative to reckless conduct and criminal threatening. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 1393-FN, to retire the debt resulting from group II retirement system benefits granted in 1987. (Pfaff of Merrimack Dist. 9; Pappas of Hillsborough Dist. 37 - To Executive Departments and Administration)

HB 1394-FN, relative to the time for electing an optional retirement allowance or survivorship option. (Bardsley of Merrimack Dist. 1 - To Executive Departments and Administration)

HB 1395-FN, relative to the time for electing an optional retirement allowance. (O'Brien of Strafford Dist. 10; Blanchard of Rockingham Dist. 26; Gilmore of Strafford Dist. 7; Merrill of Strafford Dist. 4; Stephen of Dist. 18 - To Executive Departments and Administration)

HB 1396-FN, authorizing an associate justice for the Laconia District Court. (Randall of Belknap Dist. 2 - To Judiciary)

HB 1397-FN, relative to training persons to perform drug testing. (Pepino of Hillsborough Dist. 37; Brady of Hillsborough Dist. 33 - To Health, Human Services and Elderly Affairs)

HB 1398-FN, relative to the BOCA code. (Weddle of Rockingham Dist. 24 - To Municipal and County Government)

HB 1399-FN-A, to impose a statewide property tax and a personal income tax and making an appropriation for its administration, and establishing a local property tax relief fund. (Hall of Merrimack Dist. 7; Teague of Merrimack Dist. 18 - To Ways and Means)

HB 1400-FN-A, to impose a state income tax to fund school district education costs and making an appropriation for administration costs, and providing for property tax relief claims. (Teague of Merrimack Dist. 18; Hall of Merrimack Dist. 7 - To Ways and Means)

HB 1401-FN-A, relative to a property tax relief system. (Rose of Grafton Dist. 11; O'Brien of Strafford Dist. 10; Jean of Hillsborough Dist. 28; Lucier of Sullivan Dist. 7 - To Ways and Means)

HB 1402-FN, relative to longevity pay. (Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 1403-A, to establish a fire academy and making an appropriation therefor. (Pfaff of Merrimack Dist. 9; Ballou of Belknap Dist. 5 - To Public Works)

HB 1404-FN-A, relative to shoreland protection and making an appropriation therefor. (Smith of Hillsborough Dist. 21; Maviglio of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 1405-FN-A, relative to sludge and septage management programs and making an appropriation therefor. (Bardsley of Merrimack Dist. 1 - To Resources, Recreation and Development)

HB 1406-FN, relative to hazardous waste transporter permits and the definition of waste. (Hanselman of Hillsborough Dist. 17; Musler of Strafford Dist. 3 - To Environment and Agriculture)

HB 1407-FN-A, to phase out the interest and dividends tax. (Young of Cheshire Dist. 1; Dickinson of Carroll Dist. 2 - To Ways and Means)

HB 1408-FN-A, increasing certain vehicle registration fees, levying a highway use tax, and increasing the fuel tax on fuel other than motor fuel. (Haynes of Rockingham Dist. 9; Gordon of Cheshire Dist. 5 - To Public Works)

HB 1409-FN, relative to workers' compensation. (Fraser of Merrimack Dist. 6; Rodeschin of Sullivan Dist. 2; Turner of Belknap Dist. 11; Charbonneau of Dist. 14; Dupont of Dist. 6; Freese of Dist. 4; Delahunty of Dist. 22 - To Labor, Industrial and Rehabilitative Services)

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements. (Kelley of Hillsborough Dist. 13; Lemire of Coos Dist. 8;

Behrens of Sullivan Dist. 3; Klemm of Rockingham Dist. 22; McKinney of Rockingham Dist. 23; Roberge of Dist. 9; Torr of Dist. 21; Preston of Dist. 23; St. Jean of Dist. 20; Hough of Dist. 5 - To Regulated Revenues)

HB 1411, relative to legislation regarding returning revenue to cities and towns. (King of Hillsborough Dist. 42; Burkush of Hillsborough Dist. 43; Searles of Hillsborough Dist. 19; Dyer of Hillsborough Dist. 7; Richardson of Belknap Dist. 10; Stephen of Dist. 18 - To Legislative Administration)

HB 1412-FN, relative to moorings. (Haynes of Rockingham Dist. 9; Gordon of Cheshire Dist. 5 - To Resources, Recreation and Development)

HB 1413, relative to requiring medical services providers to bill the parent responsible for providing medical or dental insurance for a child under a support decree. (Wall of Strafford Dist. 4; Pelley of Strafford Dist. 10; Wright of Rockingham Dist. 23; Hawkins of Belknap Dist. 5; Copenhaver of Grafton Dist. 12 - To Children, Youth and Juvenile Justice)

HB 1414, relative to committee members of the state conservation committee. (Millard of Merrimack Dist. 4 - To Executive Departments and Administration)

HB 1415, relative to OHRV safety and training. (P. Katsakiores of Rockingham Dist. 7; G. Katsakiores of Rockingham Dist. 7 - To Transportation)

HB 1416-FN, relative to adoption of more stringent automobile emission standards. (Sherburne of Rockingham Dist. 2; Musler of Strafford Dist. 3 - To Environment and Agriculture)

HB 1417-FN, enabling municipalities to enact a local land use change surtax. (Maviglio of Belknap Dist. 1 - To Environment and Agriculture)

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies. (Wallner of Merrimack Dist. 21; Nordgren of Grafton Dist. 12; McCain of Rockingham Dist. 11; Krasker of Dist. 24; Roberge of Dist. 9 - To Children, Youth and Juvenile Justice)

HB 1419, relative to the Monadnock advisory commission. (Avery of Cheshire Dist. 5; Matson of Cheshire Dist. 7 - To Resources, Recreation and Development)

HB 1420-FN, relative to license plates for Pearl Harbor veterans. (Marston of Strafford Dist. 6 - To Public Protection and Veterans Affairs)

HB 1421, relative to admissibility of evidence in juvenile certification proceedings. (McCain of Rockingham Dist. 11 - To Children, Youth and Juvenile Justice)

HB 1422-FN, permitting tinted glass in motor vehicle windshields and side windows for medical reasons. (Asplund of Merrimack Dist. 10 - To Transportation)

HB 1423, declaring that life begins at conception. (Foote of Hillsborough Dist. 39; Bicknell of Hillsborough Dist. 22; Brady of Hillsborough Dist. 33; Wheeler of Hillsborough Dist. 10; Bolduc of Belknap Dist. 10 - To Judiciary)

HB 1424-FN, regulating abortions. (Burling of Sullivan Dist. 1; Micklon of Rockingham Dist. 20; Wheeler of Strafford Dist. 4; Schotanus of Sullivan Dist. 1; Hager of Merrimack Dist. 21; Johnson of Dist. 17; Krasker of Dist. 24; Bass of Dist. 11; - To Judiciary)

HB 1425-FN, prohibiting public funds, employees and facilities to assist or perform abortions. (Foote of Hillsborough Dist. 39; Brady of Hillsborough Dist. 33; Cooke of Rockingham Dist. 20; Hoelzel of Rockingham Dist. 6; Provost of Hillsborough Dist. 41; Magee of Dist. 12 - To Judiciary)

HB 1426-FN, relative to surrogacy. (Moore of Hillsborough Dist. 5; Bowers of Hillsborough Dist. 11; Roberge of Dist. 9; Krasker of Dist. 24 - To Children, Youth and Juvenile Justice)

HB 1427-FN, relative to the recycling logo. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 1428-FN, relative to recycling and disposal of vehicle batteries. (Wright of Rockingham Dist. 23; Wall of Strafford Dist. 4; Merrill of Strafford Dist. 4 - To Environment and Agriculture)

HB 1429, relative to excavation, quarrying, and mining. (Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 1430-FN-A, establishing a public access advisory board to develop access to public waters and establishing a public access development fund. (Boucher of Rockingham Dist. 23; Wiggin of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board. (McCain of Rockingham Dist. 11; Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 1432-FN, relative to the New Hampshire rivers management and protection program. (Maviglio of Belknap Dist. 1; LaMott of Grafton Dist. 5; Hager of Merrimack Dist. 21; Blanchard of Rockingham Dist. 26; Krasker of Dist. 24; Torr of Dist. 21; McLane of Dist. 15; King of Dist. 2 - To Resources, Recreation and Development)

HB 1433-FN, relative to custodial interference. (Pantelakos of Rockingham Dist. 24 - To Children, Youth and Juvenile Justice)

HB 1434-FN, relative to simulcast racing at certain dog tracks. (Hawkins of Belknap Dist. 5 - To Regulated Revenues)

HB 1435-FN, relative to an equity fee on newly constructed buildings. (Shaw of Merrimack Dist. 7 - To Municipal and County Government)

HB 1436-FN, relative to felony offenses. (Kurk of Hillsborough Dist. 3 - To Judiciary)

HB 1437-FN, placing New Hampshire public elementary and secondary schools under state administration and control. (Jacobson of Merrimack Dist. 2 - To Education)

HB 1438, relative to the goals and objectives for reduction of solid waste. (Parks of Strafford Dist. 6 - To Environment and Agriculture)

HB 1439-FN, relative to the reimbursement to the state for certain services rendered at race tracks. (Simon of Rockingham Dist. 9; Hynes of Rockingham 28; Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 1440-FN, establishing a committee to study laws relative to child support. (Doucette of Cheshire Dist. 17; Blacketor of Cheshire Dist. 12; Disnard of Dist. 8 - To Children, Youth and Juvenile Justice)

HB 1441-FN, relative to medicaid fraud. (Anderson of Rockingham Dist. 13; Preston of Dist. 23; Stephen of Dist. 18 - To Judiciary)

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991. (Kidder of Merrimack Dist. 2 - To Appropriations)

HCR 11, relative to rural hospitals. (Foster of Carroll Dist. 4; Torr of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HCR 12, relative to the AIDS virus. (Weddle of Rockingham Dist. 24; Kane of Rockingham Dist. 28; Cole of Cheshire Dist. 3 - To Health, Human Services and Elderly Affairs)

HCR 13, to protect and preserve the tenth amendment to the United States Constitution. (LaMott of Grafton Dist. 5 - To Constitutional and Statutory Revision)

HCR 14, relative to subsidizing the tobacco industry. (Trombly of Merrimack Dist. 4 - To State-Federal Relations)

HCR 15, supporting multi-cultural and multi-ethnic education for New Hampshire students. (Ouellette of Hillsborough Dist. 48; Barberia of Merrimack Dist. 6; Arnesen of Grafton Dist. 7; Chambers of Grafton Dist. 12 - To Education)

HCR 16, proclaiming 1990 as the International Year of Bible Reading. (Foote of Hillsborough Dist. 39; Provost of Hillsborough Dist. 41; Rep. Wheeler of Hillsborough Dist. 10; Frank of Hillsborough Dist. 13; Brady of Hillsborough Dist. 33 - To Education)

HCR 17, relative to the operations of Seabrook. (Smith of Hillsborough Dist. 21 - To Science, Technology and Energy)

HCR 18, urging a statewide conference on families. (Cooke of Rockingham Dist. 20; MacKinnon of Rockingham Dist. 7; Nordgren of Grafton Dist. 12; Delahunty of Dist. 22; Magee of Dist. 12; Podles of Dist. 16; McLane of Dist. 15; Charbonneau of Dist. 14 - To Children, Youth and Juvenile Justice)

HCR 19, relative to bovine somatotropin growth hormone. (Teschner of Grafton Dist. 5; Maviglio of Belknap Dist. 1; Millard of Merrimack Dist. 4; King of Dist. 2 - To Environment and Agriculture)

CACR 21, relating to the term of the governor. Providing that the term shall be 4 years. (Keans of Strafford Dist. 11; McLane of Dist. 15; Nelson of Dist. 13; King of Dist. 2 - To Constitutional and Statutory Revision)

CACR 22, relating to increasing the terms of house and senate members from 2 to 4 years. Providing that the terms of house and senate members be increased to 4 years. (Bennett of Grafton Dist. 8; Micklon of Rockingham Dist. 20 - To Constitutional and Statutory Revision)

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Sytek of Rockingham Dist. 20; Skinner of Rockingham Dist. 21; Disnard of Dist. 8 - Regulated Revenues)

CACR 24, relating to a local property tax relief fund. Providing that a local property tax relief fund be established for the sole purpose of aiding school districts, municipalities, and counties. (Hall of Merrimack Dist. 7; Teague of Merrimack Dist. 18 - To Constitutional and Statutory Revision)

CACR 25, relating to the membership of the senate. Providing that the senate shall consist of 48 members. (Robinson of Hillsborough Dist. 12; Gross of Merrimack Dist. 16; Charbonneau of Dist. 14; McLane of Dist. 15; Nelson of Dist. 13; King of Dist. 2 - To Constitutional and Statutory Revision)

HR 51, relative to serving in the general court. (Matson of Cheshire Dist. 7 - To Legislative Administration)

HR 52, urging the New Hampshire delegation to introduce legislation in Congress correcting certain disparities in the Medicare program. (Bicknell of Hillsborough Dist. 22 - To State-Federal Relations)

HBI 2011, relative to mining. (Dickinson of Carroll Dist. 2; Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

COMMUNICATION

Hon. W. Douglas Scamman, Jr.

Speaker of the House of Representatives

Dear Mr. Speaker:

I have sent the attached letter to Wolfeboro and Brookfield today resigning as their representative.

It has been a very difficult decision to cut myself off from my association with you and my many friends in the legislature. To say it simply—I have enjoyed them.

I therefore resign my position in the State of New Hampshire legislature.

Please convey my regrets and my thanks to the members and to your staff for their many kindnesses.

Very truly yours,
Russell C. Chase

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 4 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HCR 20, relative to adopting Joint Rules for the 1990 session.

Rep. Gross moved that the House Adjourn in respect for our esteemed colleague, Russell C. Chase.

Adopted.

The House adjourned at 3:50 p.m.

HOUSE JOURNAL No. 2

Thursday, January 4, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend David W. Robinson of Grace Episcopal Church of Manchester, guest of Rep. Murphy.

Almighty God, source and sustainer of all that is; You have given us this good land for our heritage, and it is in Your name the founders of this nation won freedom for themselves and us:

We give You thanks for the privileges that are ours. We ask Your presence with us as we gather from various locations with a variety of things that concern each of us.

Guide and bless the members of this great House of Representatives. Give them the spirit of wisdom and understanding, courage and foresight, that they may make wise decisions and take right actions in the affairs of this state.

Help us in each decision to work for more than self alone, but for the common good, that together we may live in peace.

Above all, may we give You thanks for the life You have given us and for the natural beauty that is here for us so richly to enjoy. Amen.

Rep. Sytek led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Biondi, Julie Brown, Culbert, Gagnon, Leclerc, Kincaid, Knight, Pierce, Sanderson and Wall, the day, illness.

Reps. Blacketer, Braiterman, Callaghan, Marilyn Campbell, Daigle, Drake, Healy, William McCann, Miller, Pfaff, Rodgers and Roulston, the day, important business.

Reps. Felch and Pantelakos, the day, death in family.

Reps. Holmes, the day, illness in family.

INTRODUCTION OF GUESTS

Jen Darcy of Gilford, guest of Rep. Maviglio; George Fellendore of Keene, guest of Rep. Gertrude Pearson.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 705, relative to drug-free school zones and increasing penalties for drug offenses, was removed at the request of Rep. McCain.

HB 363, prohibiting the use of steel leg traps in the state, was removed at the request of Rep. Janet Barry.

HB 424, relative to enhanced family care facilities and making an appropriation therefor, was removed at the request of Rep. Kurk.

HB 756, relative to a housing appeals board and making an appropriation therefor, was removed at the request of Rep. Kurk.

HB 409, relative to licensing professional foresters, was removed at the request of Reps. Scanlan and Dickinson.

HB 685, relative to tenant evictions, was removed at the request of Rep. Kurk.

HB 318, prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton, was removed at the request of Rep. Lewis.

HB 469, prohibiting the use or operation of ski craft on Pleasant Lake and Little Lake Sunapee in the town of New London, was removed at the request of Rep. Jacobson.

Adopted.

HB 416-FN-A, establishing a study committee to examine laws relative to children in abuse or neglect cases and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The requirements of the bill are being addressed under HB 262, Chapter 395:4, Laws of 1989, dealing with custody and care, therefore this bill is unnecessary. Vote 11-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 530-FN, relative to drug penalties and drug and alcohol education and rehabilitation programs. OUGHT TO PASS WITH AMENDMENT.

This bill is amended to establish an oversight committee to coordinate and monitor the state's interactions with the federal drug war. It would ensure that a register of all sources of aid and funds are available to the public. The oversight committee would be ongoing. Vote 11-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

creating a legislative oversight committee to ensure that
state agencies cooperate to meet the plans of
the federal drug war.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Oversight Committee Established.

I. A legislative oversight committee to examine issues regarding the federal drug war is hereby established. The committee shall consist of voting legislative members and ex-officio members from other areas of government.

II. The voting members shall be as follows:

(a) One member of the house judiciary committee, appointed by the speaker of the house.

(b) One member of the house children, youth and juvenile justice committee, appointed by the speaker of the house.

(c) One member from the house appropriations committee, appointed by the speaker of the house.

(d) One member of the house education committee, appointed by the speaker of the house.

(e) One member of the house health, human services and elderly affairs committee, appointed by the speaker of the house.

(f) One member of the senate finance committee, appointed by the senate president.

(g) One member of the senate education committee, appointed by the senate president.

(h) One member of the senate public institutions/health and human services committee, appointed by the senate president.

(i) One member of the senate judiciary committee, appointed by the senate president.

(j) One member of the senate internal affairs committee, appointed by the senate president.

III. The ex-officio members shall be as follows:

(a) The governor or designee.

(b) The health and human services commissioner or designee.

(c) The attorney general or designee.

(d) The safety commissioner or designee.

(e) The corrections commissioner or designee.

(f) The office of alcohol and drug abuse prevention director, department of health and human services or designee.

(g) The education commissioner or designee.

2 Appointments; Mileage. Appointments of all members shall be made within 60 days of the effective date of this act. The members of this committee shall serve without compensation, except that members appointed from the legislature shall receive mileage payments at the usual rate.

3 Meetings; Duties.

I. The first meeting of the committee shall be held within 60 days after the effective date of this act. At the first meeting, the voting members shall choose a chairman from among themselves. The chairman shall alternately be a house member in even-numbered years and a senator in odd-numbered years. The chairman shall vote only in the event of a tie vote. The committee shall meet at least quarterly.

II. The committee shall work to ensure that the various agencies of state government develop a cooperative posture to meet the plans of the federal drug war. The committee shall propose legislation, as necessary, and shall participate in joint hearings with the appropriate house and senate standing committees.

III. The committee shall compile and maintain a register of all state and federal funding available to state agencies to combat the drug problem. The register shall be made available to the public.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill creates a legislative oversight committee to ensure that the various agencies of government work to develop a cooperative posture to meet the outlined plans of the federal drug war. The committee shall propose legislation as necessary to meet these concerns. The committee shall also create a register of available federal and state funds to combat the drug problem.

HB 624-FN, relative to penalties for violations of motor vehicle laws by minors. INEXPEDIENT TO LEGISLATE.

The Committee felt that until something better comes along it should not tamper with the law. The Department of Safety has been totally against the bill. The RSA Review and Coordination Committee (HB 262, Chapter 395:5, Laws of 1989) dealing with juvenile laws would better address this issue. Vote 11-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

HB 660-FN, establishing a statewide conference on families. **INEXPEDIENT TO LEGISLATE**.

House Bill 660 was voted Inexpedient to Legislate because a concurrent resolution is now in process for the 1990 Session. Vote 13-0. Rep. Nancy W. MacKinnon for Children, Youth and Juvenile Justice.

HB 355, relative to the African Development Bank. **OUGHT TO PASS**.

All objections to this bill have been resolved to the satisfaction of those questioning it. It was a unanimous vote of the full Committee that the bill pass as amended by the House March 16, 1989. Vote 11-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price. **OUGHT TO PASS WITH AMENDMENT**.

The bill requires grocery stores to clearly mark each item offered for sale with the price of the item or place a uniform shelf tag or a larger sign indicating item price under the item. Certain items are exempt from this requirement. Vote 11-1. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 438:26-a as inserted by section 1 of the bill by replacing it with the following:

438:26-a Grocery Stores; Prices.

I. In this section, the term "grocery store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, non-potentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food beverage vending machines.

II. Any person who offers items for sale in a grocery store shall mark clearly upon the package of each item sold in packaged form the price of such item, or shall place under the shelf containing the item a uniform shelf tag, or a larger sign indicating item price.

III. A uniform shelf tag shall include:

(a) The regular price of each individual item. The price numbers shall be at least 1/2 of an inch in height.

(b) The unit price; and

(c) The name of the item or a description of the item.

IV. The following items shall not require individual prices:

(a) Cold beverages.

(b) Snack items packaged in individual sizes and designed for immediate consumption.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, regarding:

(a) The pricing of items by grocery stores under this section.

(b) The definition of snack items excepted from the requirements of this section under paragraph IV(b).

AMENDED ANALYSIS

This bill requires that grocery stores clearly mark each item offered for sale with the price of the item or place a uniform shelf tag or a larger sign indicating item price under the items. Certain items are excepted from this requirement.

Referred to Appropriations.

HB 686, relative to cable television franchises. INEXPEDIENT TO LEGISLATE.

The Subcommittee found that enforcing the bill would be illegal, and it would be physically and contractually impossible to have Channel 9 received in the Berlin area. The area is already covered by Channel 8 from Poland Springs. Vote 12-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 372-FN, relative to forwarding election returns by the state police. INEXPEDIENT TO LEGISLATE.

The Secretary of State and the State Police have agreed that they will make arrangements to pick up all ballots. This bill is not needed. Vote 9-0. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

HB 139-FN-A, establishing a fair hearings office administratively attached to the department of education and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

House Bill 139, as introduced, attempted to provide the additional resources required to comply with federal and state statutes demanding fair and timely hearings for parents of handicapped children in dispute with school districts with regard to an appropriate Individual Educational Plan (IEP).

During hearings on the bill and subsequent study, several members of the Committee, the Department of Education, and the State Board of Education turned to mediation as a cost-effective means of resolving IEP disputes avoiding the tremendous financial and emotional expense often incurred in the more formal fair hearing process.

The amended version of HB 139 establishes in the law a requirement that the Department of Education provide for mediation on the local school district site with trained, impartial mediators between parties disputing an IEP.

Education Commissioner, John MacDonald, believes his department will realize significant due process expense savings through the diversion of disputes into the mediation program away from the more expensive fair hearing process. The initial recruitment, selection, training, and other "start-up" expenses require a modest appropriation.

If the success achieved in other states with mediation occurs in New Hampshire, this program will prove cost-effective and efficient. More importantly, the Committee believes this program will spare handicapped children the trauma of protracted, adversarial disputes and minimize resources applied to the process of administration rather than the educational program itself. Vote 15-0. Rep. Wayne M. Burton for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to mediation of special education disputes and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Mediation of Special Education Disputes. Amend RSA 186-C by inserting after section 22 the following new subdivision:

Mediation

186-C:23 Mediation. In order to encourage informal resolution of differences of opinion regarding the provision of special education, and to assist parents and schools, this subdivision requires the local education agency to notify the department of education that an individualized education program, educational placement, identification, or evaluation of a child has been rejected by the parent, and establishes a 30-day period for discussion beginning on the date such notice is received by the department of education. Immediately following notification, the department shall forward to the parent a description of the mediation process. While the use of this informal resolution procedure is strongly encouraged, it is not mandatory for either party. If this option is chosen by both parties, the department shall, during the 30-day period, schedule and conduct a mediation conference. The conference shall not be used to delay a due process hearing; however, both parties may agree to postpone the hearing pending a resolution.

186-C:24 Mediation; Procedure.

I. When disputes arise under this chapter, mediation shall be available through the office of the commissioner, department of education. Mediation shall be provided in accordance with the following:

(a) Attempts to resolve conflicts between the parent or parents and a school district are encouraged.

(b) Either party may be accompanied and advised at mediation by individuals with special knowledge or training with respect to educationally handicapped pupil needs. At least 5 days prior to the mediation conference, the mediator shall contact the parties to determine whether either party will be accompanied by an individual with special knowledge or training. If so, the other party shall be notified.

II. Mediation shall be provided as follows:

(a) A request for mediation shall be made in writing by either party to the commissioner of education. The mediation request shall specify the issue or issues in dispute and the relief sought;

(b) A mediation conference shall be conducted within 30 calendar days after receipt of a written request at which time:

(1) Issues shall be determined;

(2) Options explored; and

(3) Mediation attempts made within New Hampshire law.

(c) The role of the mediator is not judgmental.

(d) The mediation conference shall be:

(1) Informal; and

(2) Held at a time and place reasonably convenient to the parties in the dispute.

(e) If the mediation results in agreement, the conclusions shall be incorporated into a written agreement and signed by each party. If the mediation does not result in agreement, the mediator shall document the date and the participants at the meeting. No other record of the mediation shall be made. The mediator shall not be called as a witness in any additional proceedings in the specific case that he mediates.

(f) The mediator may terminate the mediation after at least one meeting if in the mediator's judgment the parties are not making progress toward resolving the issue or issues in dispute.

(g) Pending the outcome of mediation, no change shall be made to a pupil's classification, program or placement, unless both parties agree to the change.

III. The commissioner shall:

- (a) Appoint impartial mediators.
- (b) Assure that mediators receive appropriate training.
- (c) Assign mediators on a regional basis.

2 Appropriation; Department of Education. The sum of \$25,000 is hereby appropriated to the department of education for the fiscal year ending June 30, 1991, for the purposes of this act. The governor is authorized to draw his warrant for such sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill establishes mediation procedures within the department of education for informal resolutions of disputes between parents and local education agencies regarding special education programs, placements and evaluations. The bill appropriates funds for the purpose of implementing these mediation procedures.

Referred to Appropriations.

HB 421-FN, relative to licensing gas installers. REFER FOR INTERIM STUDY.

After much discussion, it was voted that this bill had merit and that it should be studied and revised to the extent that it conforms with other licensing bills and RSAs. Vote 14-0. Rep. Lawrence Richardson for Executive Departments and Administration.

HB 430-FN, relative to licensing and certifying real estate appraisers. OUGHT TO PASS WITH AMENDMENT.

This is a voluntary certification bill for real estate appraisers. Those wishing to do federal appraising must be certified as mandated in Title XI of the Financial Institutions Reform, Recovery and Enforcement Act as enacted into federal law, August 1989. The Fiscal Note calls for state expenditures of \$65,000 in FY91. Vote 17-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certification for real estate appraisers.

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading; Real Estate Appraisers Included. Amend the chapter heading of RSA 310-A to read as follows:

ENGINEERS, ARCHITECTS, LAND SURVEYORS, [AND] NATURAL SCIENTISTS, AND REAL ESTATE APPRAISERS

2 Adding Real Estate Appraisers. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of engineers, architects, land surveyors, *real estate appraisers*, and natural scientists, consisting of each of the members of the board of engineers, board of architects, state board of licensure for land surveyors, *the real estate appraiser board*, and the board of natural scientists. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 Adding Real Estate Appraisers. Amend RSA 310-A:97 to read as follows:

310-A:97 Title. This chapter shall be cited as the “New Hampshire Joint Board of Licensure for Engineers, Architects, Land Surveyors [and] Natural Scientists, *and Real Estate Appraisers.*”

4 New Subdivision; State Certified Real Estate Appraisers. Amend RSA 310-A by inserting after section 97 the following new subdivision:

Certified Real Estate Appraisers

310-A:98 Definitions. In this subdivision:

I. “Analysis” means a study of real estate or real property other than estimating value.

II. “Appraisal” or “real estate appraisal” means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

III. “Appraisal assignment” means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility or specified interests in, or aspects of, identified real estate.

IV. “Appraisal Foundation” means the Appraisal Foundation incorporated as an Illinois nonprofit corporation on November 30, 1987. The purposes of the Appraisal Foundation are:

(a) To establish and improve uniform appraisal standards by defining, issuing and promoting such standards.

(b) To establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing and promoting such qualification criteria; and to disseminate such qualification criteria to states, governmental entities and others.

(c) To develop or assist in the development of appropriate examinations for qualified appraisers.

V. “Appraisal report” means any communication, written or oral, of an appraisal.

VI. “Board” means the real estate appraiser board established pursuant to the provisions of this chapter.

VII. “Certified appraisal or Certified appraisal report” means an appraisal or appraisal report given or signed by a state certified real estate appraiser. The certified real estate appraiser must indicate in the report which type of certification is held. An appraisal signed by a certified appraiser represents to the public that the appraisal meets the appraisal standards defined in this chapter.

VIII. “Certified real estate appraiser” or “certified appraiser” means a person who develops and communicates real estate appraisals and who holds a current, valid certificate issued to him or her for either general or residential real estate under the provisions of this subdivision.

IX. “Real estate” means an identified parcel or tract of land, including improvements, if any.

X. “Real property” means one or more defined interests, benefits, and rights inherent in the ownership of real estate.

XI. “Specialized services” means those appraisal services which do not fall within the definition of appraisal assignment. Specialized services may include valuation work and analysis work. Regardless of the intention of the client or employer, if

the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work shall be classified as an appraisal assignment and not as specialized services.

XII. "Valuation" means an estimate of the value of real estate or real property.

310-A:99 Certification Use.

I. No person, other than a certified real estate appraiser, shall assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified pursuant to this subdivision shall not describe or refer to any appraisal or other evaluation or real estate located in this state by the term "certified".

II. Paragraph I shall not preclude a person who is not certified as a certified real estate appraiser from appraising real estate for compensation.

310-A:100 Real Estate Appraiser Board.

I. There is hereby established an independent real estate appraiser board which shall consist of 7 members: 2 shall be public members, one of whom shall be a member of the New Hampshire Bar Association, appointed by the governor with the consent of council; and 5 shall be real estate appraisers, appointed by the governor with the consent of council.

II. All appointments shall be made within 90 days after the effective date of this subdivision.

III. Four of the 5 real estate appraiser members first appointed to the board shall be designated members in good standing of a nationally recognized real estate appraisal organization that as of June 1, 1987, required at least 3 years of appraisal experience, education, and testing in order to become a designated member, in addition to adherence to standards of professional practice in order to retain such designation.

IV. Each real estate appraiser member of the board appointed after June 1, 1991, shall be a certified real estate appraiser, at least 2 of whom shall hold the residential certificate and 2 of whom shall hold the general certificate.

V. The term of each member shall be 3 years; except that, of the members first appointed, 3 shall serve for 3 years, 2 shall serve for 2 years, and 2 shall serve for one year.

VI. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. No person shall serve as a member of the board for more than 2 consecutive terms. The appointing authority may remove a member for cause.

VII. The public members of the board shall not be engaged in the practice of real estate appraising or brokerage, except a member of the bar and then only when it is incidental to the practice of law.

VIII. The board shall meet at least once each calendar quarter to conduct its business and more often on call of the chairperson, or when the chairperson is requested to do so by 4 or more members of the board. The action of the majority of the members of the board present and voting shall be deemed the action of the board. Places of future meetings shall be decided by the vote of members at meetings or in the event of a special meeting, by the chairman. Written notice shall be given by the chairman to each member of the time and place each meeting of the board at least 10 days in advance.

IX. The members of the board shall elect a chairperson from among its members.

X. A quorum of the board shall be 5 members, at least 3 of whom shall be appraiser members.

XI. Each member of the board shall be entitled to a per diem allowance of \$25 for each meeting at which the member is present and for each day or substantial part of a workday actually spent in the conduct of business, and shall be reimbursed for his actual travel while performing his official duties.

XII. The members of the board shall be immune from any civil action or criminal prosecution for actions taken in their capacity as members of the board, provided that such action is taken in good faith and in the reasonable belief that the action was taken pursuant to the powers and duties of the board under this subdivision.

310-A:101 Powers of the Board. The duties of the board shall include, but not be limited to the following:

I. Defining by rule the type of educational experience and appraisal experience necessary for the 2 categories of certification.

II. Establishing examination specifications, substance, and grading procedures for each category of certification.

III. Approving or disapproving applications for certification and issuing such certification.

IV. Defining by rule the continuing education requirements for the renewal of each category of certification.

V. Reviewing, from time to time, the standards for the development and communication of real estate appraisals and adopting rules explaining and interpreting such standards.

VI. Adopting rules concerning disciplinary proceedings.

VII. Censuring, suspending and revoking certificates pursuant to disciplinary proceedings.

VIII. Establishing fees for special examinations and other services provided by the board.

IX. Performing such other functions and duties as may be necessary in carrying out this subdivision.

310-A:102 Rulemaking Authority. The board shall adopt rules pursuant to RSA 541-A, relative to:

I. The application procedure for any certificate issued under this subdivision.

II. Qualifications of applicants in addition to those requirements set by statute.

III. Design and content of all forms required under this subdivision.

IV. How an applicant shall be examined.

V. How a certificate shall be renewed.

VI. Ethical standards required to be met by each holder of a certificate issued under this subdivision and how such certificate may be revoked for violation of these standards.

VII. Establishing all fees required under RSA 310-A, relative to this subdivision.

VIII. Standards for appraisal education programs.

IX. Procedures for the conduct of hearings consistent with the requirements of due process.

X. Functions of the executive director.

XI. Setting amount for administrative fines, not to exceed \$5,000.

XII. Defining acts of commission or omission subject to disciplinary action.

XIII. Establishing standards for appraisal education programs and the issuance of evidence indicating satisfactory completion of such program.

XIV. Establishing standards to validate competency.

XV. Establishing standards and procedures for the full, initial, or conditional approval of appraisal educational programs under this subdivision.

XVI. The procedure of any other matter necessary to implement the provisions of this subdivision.

310-A:103 Fees. The board shall establish fees for examination of applicants, for certification and for renewal of certification under this subdivision, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

310-A:104 Certification Process.

I. Applications for original certification, renewal certification and examinations shall be made in writing to the board on forms approved by the board.

II. Appropriate fees, as fixed by the board under rules established pursuant to RSA 541-A shall accompany all applications for original certification, renewal certification and examination.

III. At the time of filing an application for certification, each applicant shall sign a pledge to comply with the standards set forth in this subdivision and state that he understands the types of misconduct for which disciplinary proceedings may be initiated against a certified real estate appraiser, as set forth in this subdivision.

310-A:105 Classes of Certification.

I. There shall be 2 classes of certification for certified real estate appraisers:

(a) The certified residential real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of residential real property of one to 4 units, and up to 12 units when a net income capitalization analysis is not required by the terms of the assignment.

(b) The certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

II. The application for original certification, renewal certification and examination shall specify the classification of certification being applied for and previously granted.

310-A:106 Examination Requirements. An original certification as a certified real estate appraiser may be issued to any person who has demonstrated through a written examination process, that he meets the minimum requirements of the Appraisal Foundation, as follows:

I. Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate.

II. Understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines.

III. Understanding the uniform standards of professional appraisal practice as adopted by the board.

IV. Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of certificate for which the applicant applied.

V. Knowledge of other principles and procedures as may be appropriate for the respective classifications.

VI. Basic understanding of real estate law.

VII. Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certified real estate appraiser, as set forth in this subdivision.

310-A:107 Examination Prerequisites.

I. As a prerequisite to taking the examination for certification as a certified general real estate appraiser, an applicant shall present evidence satisfactory to the board that he has successfully completed at least 160 classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization, a college or university approved by the board, and 15 classroom hours related to standards of professional practice and the provisions of this subdivision.

II. As a prerequisite to taking the examination for certification as a certified residential real estate appraiser, an applicant shall present evidence satisfactory to the board that he has successfully completed at least 80 classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization, a college or university approved by the board, and 15 classroom hours related to standards of professional practice and the provisions of this subdivision.

310-A:108 Experience Requirements.

I. An applicant for original certification as a certified real estate appraiser shall possess at least 2 years of experience in real property appraisal supported by adequate written reports or file memoranda. Such experience shall be acquired within a period of 5 years immediately preceding the filing of the application for certification.

II. Each applicant for certification shall furnish under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the board for examination, a sample of appraisal reports which the applicant has prepared in the course of his or her appraisal practice.

310-A:109 Term of Certification. The term of a certificate issued under the authority of this subdivision shall be 3 years from the date of issuance. The expiration date of the certificate shall appear on the certificate and notice of its expiration shall be given to its holder.

310-A:110 Nonresident Certification.

I. Every applicant for certification under this subdivision, who is not a resident of this state, shall submit, with the application for certification, an irrevocable consent that service of process upon him may be made by delivery of the process to the secretary of state if, in an action against the applicant in a court of this state arising out of the applicant's activities as a certified real estate appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

II. A nonresident who has complied with paragraph I may obtain a certificate as a certified real estate appraiser by conforming to all of the provisions of this subdivision relating to certified real estate appraisers.

310-A:111 Nonresident Certification by Reciprocity. IF, in the determination by the board, another state is deemed to have substantially equivalent certification requirements, equal to or exceeding those of this state, an applicant who is certified under the laws of such other state may obtain a certificate as a certified real estate appraiser in this state upon such terms and conditions as may be determined by the board.

310-A:112 Renewal of Certificate.

I.(a) To obtain a renewal certificate as a certified real estate appraiser, the holder of a current, valid certificate shall make application and pay the prescribed fee to the

board not earlier than 120 days nor later than 30 days before the expiration date of the certificate then held. With the application for renewal, the certified real estate appraiser shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in this subdivision.

(b) If the board determines that an applicant has failed to meet the requirements for renewal of certification through mistake, misunderstanding, or circumstances beyond the control of the applicant, the board may extend the term of the certificate for a period not to exceed 6 months, upon payment by the applicant of a prescribed fee for the extension.

(c) If the applicant satisfies the requirements for renewal during the extended term of certification, the beginning date of the new renewal certificate shall be the day following the expiration of the certificate previously held by the applicant.

II. If a person fails to renew a certificate as a certified real estate appraiser prior to its expiration or within a period of extension granted by the board pursuant to this subdivision, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and by the payment of a late renewal fee.

310-A:113 Basis for Denial. The board may, in accordance with the provisions of this subdivision relating to hearings, deny the issuance of a certificate to an applicant on any of the grounds enumerated in this subdivision. Such denial shall state just cause and be issued within 20 days after the decision of the board.

310-A:114 Principal Place of Business.

I. Each certified real estate appraiser shall advise the board of the address of his or her principal place of business and all other addresses at which he or she is currently engaged in the business of preparing real property appraisal reports.

II. Whenever a certified real estate appraiser changes a place of business, he shall, within 10 days of such change, give written notification of the change to the board and apply for an amended certificate.

III. Every certified real estate appraiser shall notify the board of his current residence address. Residence addresses on file with the board are exempt from disclosure as public records.

310-A:115 Certificate.

I. A certificate issued under authority of this subdivision shall bear the signatures or facsimile signatures of the members of the board and a certificate number assigned by the board.

II. Each certified real estate appraiser shall place his certificate number adjacent to or immediately below the title "State Certified Residential Real Estate Appraiser" or "State Certified General Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.

310-A:116 Use of Term.

I. The term "Certified real estate appraiser" may only be used to refer to individuals who hold the certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

II. No certificate shall be issued under the provisions of this subdivision to a corporation, partnership, firm or group. This shall not be construed to present a certified real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.

310-A:117 Continuing Education.

I. As a prerequisite to renewal of certification, a certified real estate appraiser shall present evidence satisfactory to the board of having met the continuing education requirements of this subdivision.

II. The basic continuing education requirement for renewal of certification shall be the completion by the applicant, during the immediately preceding term of certification, of not less than 45 classroom hours of instruction in courses or seminars which have received the approval of the board.

III. In lieu of meeting the requirements of paragraph II, an applicant for recertification may satisfy all or part of the requirements by presenting evidence of the following:

(a) Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses approved by the board under paragraph II.

(b) Participation other than as a student in educational processes and programs approved by the board which relate to real property appraisal theory, practices or techniques, including, but not necessarily limited to, teaching, program development and preparation of textbooks, monographs, articles, and other instructional materials.

IV. The board shall adopt rules for implementation of the provisions of this section to insure that persons renewing their certifications as certified real estate appraisers have current knowledge of real property appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of the certification. The rules shall prescribe the following:

(a) Policies and procedures for obtaining board approval of courses of instruction under paragraph II.

(b) Standards, policies, and procedures to be applied by the board in evaluating applicant's claims of equivalency in accordance with paragraph III.

(c) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to board approval of courses for credit.

V. In adopting rules relative to paragraph IV(a), the board shall give favorable consideration to courses of instruction, seminars, and other real property appraisal educational courses or programs previously or hereafter developed by or under the auspices of professional appraisal organizations and utilized by those associations for purposes of designation, or indicating compliance with the continuing education requirements of such organizations.

VI. No amendment or repeal of a rule adopted by the board relative to this section shall operate to deprive a certified real estate appraiser of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the rule which would have qualified for continuing education credit under the rule as it existed prior to the repeal or amendment.

VII. On or after January 1, 1992, a certification as a certified real estate appraiser that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this subdivision. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for certified real estate appraiser as a condition to reinstatement of certification.

310-A:118 Disciplinary Proceedings.

I. The rights of any holder under a certificate as a certified real estate appraiser may be revoked or suspended, or the holder of the certificate may be otherwise disciplined in accordance with the provisions of this subdivision, upon any of the grounds set forth in this section. The board may investigate the actions of a certified real estate appraiser, and may revoke or suspend the rights of a certificate holder or otherwise discipline a certified real estate appraiser for any of the following acts or omissions:

(a) Procuring or attempting to procure a certificate pursuant to this subdivision by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation.

(b) Failing to meet the minimum qualifications established by this subdivision.

(c) Paying money other than provided for by this subdivision to any member of employee of the board to procure a certificate under this subdivision.

(d) A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others.

(e) An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person.

(f) Violation of any of the standards for the development or communication of real estate appraisals as provided in this subdivision.

(g) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal.

(h) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal.

(i) Willfully disregarding or violating any of the provisions of this subdivision or the rules of the board for the administration and enforcement of the provisions of this subdivision.

(j) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment.

(k) Violating the confidential nature of governmental records to which he gained access through employment or engagement as an appraiser by a governmental agency.

(l) Entry of a final civil judgment against the person on grounds of fraud, misrepresentation or deceit in the making of any appraisal of real property.

II. In a disciplinary proceeding based upon a civil judgment, the state certified real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

310-A:119 Due Process.

I. Before suspending or revoking any certification, the board shall notify the appraiser in writing of any charges made at least 20 days prior to the date set for the hearing and shall afford him an opportunity to be heard in person or through counsel.

II. The written notice may be served either personally or sent by registered or certified mail to the last known business address of the appraiser.

III. The board shall have the power to subpoena and issue subpoenas duces tecum and to bring before it any person in this state, and to take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this state.

310-A:120 Hearing and Judicial Review

I. The hearing on the charges shall be at a time and place prescribed by the board and in accordance with the provisions of RSA 541-A concerning hearings.

II. If the board determines that a certified appraiser has violated any of the provisions of this subdivision, it shall prepare a finding of fact and recommend that the appraiser be reprimanded or that his certification be suspended or revoked. The decision and order of the board shall be final, but may be appealed to a court of appropriate jurisdiction pursuant to RSA 541-A.

310-A:121 Standards of Practice. A certified real estate appraiser shall comply with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.

310-A:122 Classification of Services. A client or employer may retain or employ a certified real estate appraiser to act as a disinterested third party in rendering an unbiased estimate of value or analysis. A client or employer may also retain or employ a certified real estate appraiser to provide specialized services to facilitate the client's or employer's objectives. In either case, the appraisal and the appraisal report shall comply with the provisions of this subdivision.

310-A:123 Contingent Fees.

I. A certified real estate appraiser may not accept a fee for an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion or is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment.

II. A certified real estate appraiser who enters into an agreement to perform specialized services may be paid a fixed fee or a fee that is contingent on the results achieved by the specialized services.

III. If a certified real estate appraiser enters into an agreement to perform specialized services for a contingent fee, this fact shall be clearly stated in each written and oral report. In each written report, this fact shall be clearly stated in a prominent location in such report and also in each letter of transmittal and in the certification statement made by the appraiser in such report.

310-A:124 Retention of Records.

I. A certified real estate appraiser shall retain for 7 years, originals or true copies of all written contracts engaging his or her services for real property appraisal work, and all reports and supporting data assembled and formulated by the appraiser in preparing the reports.

II. This 7-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such 7-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the 7-year period for the retention of records shall commence upon the date of the final disposition of such litigation.

III. All records required to be maintained under the provisions of this subdivision shall be made available by the certified real estate appraiser for inspection and copying by the board on reasonable notice to the appraiser.

310-A:125 Separability. If any provisions of this act or its application to any person or in any circumstance is declared by a court of competent jurisdiction to be invalid or unenforceable, provisions constituting the remainder of the subdivision and the application of those provisions to other persons and in other circumstances shall not be affected.

5 Appropriation. The sum of \$65,000 is hereby appropriated to the real estate appraiser board for the biennium ending June 30, 1991, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill regulates the practice of real estate appraising by:

- I. Designating authorizing a board to oversee the practice.
- II. Creating 2 types of certification, one for appraisal of residential real property and the other for appraisal of all types of real property.
- III. Providing examination, education, and continuing education requirements.
- IV. Providing for fees and penalties.

The bill also makes an appropriation for the initial costs of the board.

Referred to Appropriations.

HB 437-FN, licensing alarm installers. REFER FOR INTERIM STUDY.

Interim Study was voted with no negative debate. This bill should be studied and reworded to conform with other licensing bills and existing RSAs. Vote 13-0. Rep. Lawrence Richardson for Executive Department and Administration.

HB 589-FN, to define "retired state employee" for state employees group insurance purposes. INEXPEDIENT TO LEGISLATE.

The Special Committee set up by SB 89, Chapter 376:3, Laws of 1989, is still working on the subject to define "retired state employee" for state employees' group insurance purposes, and the Committee feels that the subject should be handled only after the Special Committee's report is received. Vote 16-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 592-FN, relative to a minimum service retirement allowance for group I members with 20 or more years of creditable service. REFER FOR INTERIM STUDY.

This bill was intended to grant a minimum retirement allowance of \$5,000 per year for both present and future group I retirees with 20 or more years' service. The Committee looks favorably on the intent of this and a companion group II bill, HB 719, but it now appears that there will be insufficient funds in the special account to cover this benefit along with possible COLAs. The Committee wishes to continue to study the bills, keeping in mind the possibility that if funding becomes available the subject matter might be added to COLA bills which are expected to be introduced for the 1990 session. Vote 14-0. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 719-FN, relative to a minimum service retirement allowance for group II members. REFER FOR INTERIM STUDY.

This bill would grant a minimum retirement allowance of \$7,500 per year for present and future group II retirees. The Committee looks favorably on the intent of this and a companion group I bill, HB 592, but it now appears that there will be insufficient funds in the special account to cover this benefit along with possible

COLAs. The Committee wishes to continue to study the bills, keeping in mind the possibility that if funding becomes available the subject matter might be added to COLA bills which are expected to be introduced for the 1990 session. Vote 14-0. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 249-FN, creating a wildlife conservation fund. **INEXPEDIENT TO LEGISLATE**.

The lack of documentation for a proposed amendment to the bill disqualifies it for enactment. Vote 11-0. Rep. Lester R. Perham for Fish and Game.

HB 544-FN, relative to medical waste. **INEXPEDIENT TO LEGISLATE**.

The purpose of this bill was to define uniform methods of disposal for all medical waste. When problems, real and perceived, of infectious waste disposal arose, it became evident that current rules were outdated and inadequate. The Committee found that the Department of Environmental Services, under RSA 147-A and RSA 149-M (Solid and Hazardous Waste Laws), can and will accomplish the intent of the bill by rulemaking provisions. Vote 14-0. Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs.

HB 612-FN, relative to nursing home care costs paid by counties. **OUGHT TO PASS WITH AMENDMENT**.

House Bill 612, as amended, will establish a study committee to make recommendations as to state funding to the counties for public assistance to recipients in nursing homes, based on an equal percentage rate. Vote 16-0. Rep. Lawrence A. Chase for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study nursing home care costs paid by counties.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties. There is established a committee to study nursing home care costs paid by counties. The primary duty of the committee shall be to determine the feasibility of reducing the share which counties must reimburse the state, under RSA 167:18-b, for public assistance to recipients in nursing homes from 61.5 percent to 50 percent.

2 Membership. The membership of the committee shall be:

I. Two members from the house appropriations committee, appointed by the speaker of the house.

II. Two members from the house health, human services, and elderly affairs committee, appointed by the speaker of the house.

III. Two members from the house ways and means committee, appointed by the speaker of the house.

IV. Two members from the house municipal and county government committee, appointed by the speaker of the house.

V. Two members from the senate public institutions, health and human services committee, appointed by the president of the senate.

VI. Two members from the senate finance committee, appointed by the president of the senate.

VII. Two members from the senate ways and means committee, appointed by the president of the senate.

VIII. One member from the governor's office, appointed by the governor.

IX. Two members from the New Hampshire Association of Counties, appointed by its executive director.

3 Meetings; Chair. The first meeting of the committee shall be called by the first named house member within 30 days of the effective date of this act. The chair of the committee shall be chosen by a majority vote of the members at the first meeting.

4 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house, the president of the senate, and the governor, in such a timely manner as to allow for the proper filing of proposed legislation in accordance with any appropriate legislative request filing deadlines as established by the Joint Rules for the 1991 legislative session.

5 Compensation. The legislative members of the committee shall be entitled to legislative mileage while performing committee duties, but all committee members shall serve without compensation.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study nursing home care costs paid by counties and to determine the feasibility of reducing the share which counties must reimburse the state for public assistance to recipients in nursing homes.

HBI 2002, relating to alcohol education programs for DWI offenders. OUGHT TO PASS WITH AMENDMENT.

The Committee agrees with the overall intent of the sponsor of this Bill of Intent. However, upon consultation with the sponsor, the Committee feels that a more appropriate area of jurisdiction than Health, Human Services and Elderly affairs lies with the Governor's Task Force to Prevent Impaired Driving. Vote 15-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing the first unnumbered paragraph with the following:

The governor's task force to study impaired driving should study the New Hampshire alcohol education programs required pursuant to RSA 263:65-a, relative to first offenders, and the first offender impaired driver intervention program, and determine whether additional requirements and methods should be instituted to reduce the recidivism problem that now exists in the state.

HB 596-FN, limiting personal liability of fire department and emergency rescue services personnel. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, provides a limitation on liability for volunteer firefighters and rescue personnel operating in response to emergencies. Tightly drawn, it provides a needed protection for a valuable group in the community. Vote 15-0. Rep. Peter Hoe Burling for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

limiting personal liability of certain fire department,
emergency service, and rescue squad members.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Liability Limited; Fire Department, Emergency Service, and Rescue Squad Members. Amend RSA 508 by inserting after section 12-a the following new section:

508:12-b Liability Limited; Fire Department, Emergency Service, and Rescue Squad Members.

I. No person who is a volunteer, "part paid" or "call" member of a nonprofit fire department, emergency service or rescue squad operating in any political subdivision shall be held personally liable in any action to recover for personal injury or property damage arising out of any act performed or occurring in the furtherance of his official duties. Nothing in this section shall affect the liability of the political subdivision, department, service or squad served by such person. Nothing in this section shall affect the liability of such person for damages arising out of willful misconduct, gross negligence, or operation under the influence of drugs or alcohol.

II. In this section:

(a) "Call" member means any member other than a full-time paid employee who receives payment for each emergency response.

(b) "Official duties" mean emergency duties only.

(c) "Part paid" member means any member other than a full-time paid employee who receives an annual retainer or stipend of less than \$5,000 for his services as a member.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill limits the personal liability of volunteer, "part paid" or "call" members of nonprofit fire departments, emergency services and rescue squad operating in any political subdivision.

HB 700-FN, changing the penalty for felonious use of firearms. **OUGHT TO PASS WITH AMENDMENT.**

This bill is in response to a Supreme Court decision, which raised the question of double jeopardy in cases where a person was sentenced for both the crime-in-chief (robbery or first-degree assault) and for the felonious use of a firearm. HB 700 cures this defect by amending RSA 651, Section 2 (Sentencing and Limitations) to include a minimum mandatory sentence for use of a firearm in lieu of any other sentence prescribed for the underlying crime, and in addition, the bill revises those statutes that already carry an enhanced penalty for use of a firearm. Vote 12-0. Rep. Robert E. Murphy for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

An Act

imposing minimum mandatory sentences for felonious use of firearms.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Sentences and Limitations; Minimum Mandatory Sentences. Amend RSA 651:2 by inserting after paragraph II-f the following new paragraph:

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, he may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime. He shall be given a minimum mandatory sentence of not less than 3 years' imprisonment for a first offense and a minimum mandatory

sentence of not less than 6 years' imprisonment if he has been previously convicted of any state or federal offense for which the maximum penalty provided was imprisonment in excess of one year, and an element of which was the possession, use or attempted use of a firearm. Neither the whole nor any part of the minimum sentence imposed under this paragraph shall be suspended or reduced.

2 First Degree Assault. Amend RSA 631:1, II to read as follows:

II. Purposely or knowingly causes bodily injury to another by means of a deadly weapon, *except that if the deadly weapon is a firearm he shall be sentenced in accordance with RSA 651:2, II-g.*

3 Second Degree Assault. Amend RSA 631:2, II to read as follows:

II. Recklessly causes bodily injury to another by means of a deadly weapon, *except that if the deadly weapon is a firearm, he shall be sentenced in accordance with RSA 651:2, II-g;* or

4 Burglary. Amend RSA 635:1, II to read as follows:

II. Burglary is a class B felony unless it is perpetrated in the dwelling of another at night, or if, in the commission of the offense, attempt at commission or in flight immediately after attempt or commission, the actor is armed with a deadly weapon or explosives or he purposely, knowingly or recklessly inflicts bodily injury on anyone; in which case it is a class A felony; *except that if the person is armed with a deadly weapon and the deadly weapon is a firearm, he shall be sentenced in accordance with RSA 651:2, II-g.*

5 Robbery. Amend RSA 636:1, III to read as follows:

III. Robbery is a class B felony, except that if the defendant:

(a) Was actually armed with a deadly weapon; or
 (b) Reasonably appeared to the victim to be armed with a deadly weapon; or
 (c) Inflicted or attempted to inflict death or serious injury on the person of another, the offense is a class A felony, *except that if the defendant was actually armed with a deadly weapon, and the deadly weapon was a firearm, he shall be sentenced in accordance with RSA 651:2, II-g.*

6 Theft. Amend RSA 637:11, I(c) to read as follows:

(c) The actor is armed with a deadly weapon at the time of the theft, *except that if the deadly weapon is a firearm, he shall be sentenced in accordance with RSA 651:2, II-g.*

7 Escape. Amend RSA 642:6, III to read as follows:

III. The offense is a class A felony if the actor employs force against any person or threatens any person with a deadly weapon to effect the escape, *except that if the deadly weapon is a firearm, he shall be sentenced in accordance with RSA 651:2, II-g.* Otherwise it is a class B felony.

8 Riot. Amend RSA 644:1, IV to read as follows:

IV. Riot is a class B felony if, in the course of and as a result of the conduct, any person suffers physical injury, or substantial property damage or arson occurs, or the defendant was armed with a deadly weapon, *except that if the deadly weapon was a firearm, he shall be sentenced in accordance with RSA 651:2, II-g.* Otherwise, it is a misdemeanor.

9 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill imposes a minimum mandatory sentence for a person convicted of a felony, an element of which is the possession, use, or attempted use of a firearm. The

minimum mandatory sentence for a first offense is 3 years and for a second or subsequent offense is 6 years. The bill also allows for a maximum sentence of 20 years' imprisonment in lieu of any other sentence prescribed for the crime.

Referred to Appropriations.

HB 116-FN, relative to frivolous claims or denials of workers' compensation awards. INEXPEDIENT TO LEGISLATE.

House Bill 116 was addressed in HB 681, Chapter 294, Laws of 1989, which was a compromise bill that represented all sides of the issue. Vote 8-3. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

HB 165, relative to labor unions of supervisors. INEXPEDIENT TO LEGISLATE.

Some members of the Committee felt that supervisors should not be in unions under any circumstances while others felt that any change should be a part of a comprehensive revision of the Public Employee Labor Relations Act. Vote 10-1. Rep. Daniel Toomey for Labor, Industrial and Rehabilitative Services.

HB 563, relative to land surveyors and condominiums. OUGHT TO PASS WITH AMENDMENT.

House Bill 563 originally proposed that architects and engineers would be removed as certifying officials for condominium boundaries and replaced by licensed surveyors. After discussion and study, the Committee determined that the public would be better served by adding surveyors to the certifying officials and retaining authority for architects and professional engineers to serve in this capacity. Vote 13-0. Rep. John A. Middleton for Municipal and County Government.

Amendment

Amend the bill by replacing sections I-4 with the following:

I Floor Plans Certified by Licensed Land Surveyor. Amend RSA 356-B:20, II to read as follows:

II. There shall also be recorded, simultaneously with the declaration, floor plans of every structure which contains or constitutes all or part of any unit or units, and which is located on any portion of the submitted land other than within the boundaries of any convertible lands. The floor plans shall show the location and dimensions of the vertical boundaries of each unit to the extent that such boundaries lie within or coincide with the boundaries of such structures, and the units or portions thereof thus depicted shall bear their identifying numbers. In addition, each convertible space thus depicted shall be labeled a convertible space. The horizontal boundaries of each unit having horizontal boundaries shall be identified on the floor plans with reference to established datum. Unless the condominium instruments expressly provide otherwise, it shall be presumed that in the case of any unit not wholly contained within or constituting one or more such structures, the horizontal boundaries thus identified extend, in the case of each such unit, at the same elevation with regard to any part of such unit lying outside of such structures, subject to the following exception: in the case of any such unit which does not lie over any other unit other than basement units, it shall be presumed that the lower horizontal boundary, if any, of that unit lies at the level of the ground with regard to any part of that unit lying outside of such structures. The floor plans shall be certified as to their accuracy and compliance with the provisions of this paragraph by a registered architect [or], registered engineer *or licensed land surveyor*, and [the said] *such* architect [or], engineer *or land surveyor* shall

certify that all units or portions [thereof] *of units* depicted [thereon] *on the floor plan* as completed have been substantially completed.

2 Horizontal and Vertical Boundaries Certified by Licensed Land Surveyor. Amend RSA 356-B:20, IV to read as follows:

IV. When converting all or any portion of any convertible space into one or more units or limited common areas, or both, the declarant shall record, with regard to the structure or portion [thereof] *of such structure* constituting that convertible space, floor plans showing the location and dimensions of the horizontal and vertical boundaries of each unit or limited common areas, or both, formed out of such space. Such plans shall be certified as to their accuracy and compliance with the provisions of this [subsection] *paragraph* by a registered architect [or], registered engineer *or licensed land surveyor*.

3 Alterations in Unit Boundaries Certified by Licensed Land Surveyor. Amend RSA 356-B:31, V to read as follows:

V. Such site plans and floor plans as may be necessary to show the altered boundaries between the units involved together with their other boundaries shall be prepared, and the units depicted thereon shall bear their identifying numbers. Such site plans and floor plans shall indicate the new dimensions of the units involved, and any change in the horizontal boundaries of either as a result of the relocation of their boundaries shall be identified with reference to established datum and shall state which established datum is used. Such site plans and floor plans shall be certified as to their accuracy and compliance with the provisions of this paragraph by a [registered] *licensed* land surveyor in the case of any site plan and by a registered architect, *licensed land surveyor* or registered engineer in the case of any floor plan.

4 New Units Certified by Licensed Land Surveyor. Amend RSA 356-B:32, V to read as follows:

V. Such site plans and floor plans as may be necessary to show the boundaries separating the new units together with their other boundaries shall be prepared, and the new units depicted [thereon] *on such plans* shall bear their new identifying numbers. Such site plans and floor plans shall indicate the dimensions of the new units, and the horizontal boundaries [thereof] *of such units*, if any, shall be identified [thereon] *on such plans* with reference to established datum. Such site plans and floor plans shall be certified as to their accuracy and compliance with the provisions of this paragraph by a [registered] *licensed* land surveyor in the case of any site plan and by a registered architect, *licensed land surveyor* or registered engineer in the case of any floor plan.

AMENDED ANALYSIS

This act allows floor plans and site plans concerning the unit boundaries of condominiums to be certified as to their accuracy by a licensed land surveyor.

HB 730-FN, relative to local cease and desist orders for zoning, planning and code violations. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, strengthens the municipality's role with respect to the municipality's cease and desist procedure. It further defines the municipality's commitment and tax lien procedure. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend RSA 676:17-a, I(c) and (d), II and III as inserted by section 1 of the bill by replacing them with the following:

(c) What corrective action is required, including a reasonable time within which such action shall be taken.

(d) A statement that a motion for summary enforcement of the order shall be made to the court of the district in which the property is situated unless such corrective action is taken within the time provided, or unless an answer is filed within 20 days, as provided in paragraph V.

(e) A statement that failure to either take the corrective action, or to file an answer, may result in corrective action being taken by the municipality, and that if this occurs the municipality's costs shall constitute a lien against the real estate, enforceable in the same manner as real estate taxes, including possible loss of the property if not paid.

II. The order shall be served upon the record owner of the property or his agent; the person to whom taxes are assessed for the property, if other than the owner; any occupying tenant of the property; any other person known by the enforcing officer to exercise control over the premises in violation; and upon all persons holding mortgages upon such property as recorded in the office of the register of deeds, in the same manner provided for service of a summons in a civil action in district court. If the owner is unknown or cannot be found, the order shall be served by posting it upon the property and by 4 weeks' publication in a newspaper in general circulation in the municipality.

III. Upon service of the order, the owner or his agent, occupying tenant or his agent, or any other person who is engaged in development, construction, excavation, or other changes of the land or buildings on the land shall, if so provided in the order, immediately cease such activities, until such time as judgment is rendered under paragraphs VI or VII. Failure to cease such activity shall constitute a separate violation of this title in addition to the violation cited in the order, unless such order is annulled as provided in paragraph VII.

Amend RSA 676:17-a, VI as inserted by section 1 of the bill by replacing it with the following:

VI. If no answer is served, the enforcement official may move the court for the enforcement of the order. If such a motion is made the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the order. The clerk of the court shall mail a copy of the judgment to all persons upon whom the original order was served.

Amend RSA 676:17-a, VIII and IX as inserted by section 1 of the bill by replacing them with the following:

VIII. If a judgment is not complied with in the time prescribed, the local governing body may cause the corrective action to be taken as set forth in the judgment. The cost to the municipality of taking such corrective action, together with its other expenses as provided in paragraph IX, shall be a lien against the real estate on which the violation occurred. Such lien shall continue for 18 months from the date upon which the expense account is allowed by the court, as provided in paragraph IX.

IX. The municipality shall keep an accurate account of the expenses incurred in carrying out the order and all other expenses in connection with its enforcement, including but not limited to filing fees, service fees, publication fees, the expense of searching the registry of deeds to identify mortgages, witness and expert fees, attor-

neys fees and traveling expenses. The court shall examine, correct if necessary, and allow the expense account. The municipal governing body may, by majority vote, commit the expense account to the collector of taxes, in which case the mayor, as defined by RSA 672:9, shall direct the expense account, together with a warrant under his hand and seal, to the municipal tax collector, requiring him to collect the same from the person to whom real estate taxes are assessed for the premises upon which such corrective action was taken, and to pay the amount so collected to the municipal treasurer. Within 30 days after the receipt of such warrant, the collector shall send a bill as provided in RSA 76:11. Interest as provided in RSA 76:13 shall be charged on any amount not paid within 30 days after the bill is mailed. The collector shall have the same rights and remedies as in the collection of taxes, as provided in RSA 80.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 1991.

HB 440-A, relative to constructing a parking garage in Concord for the legislature and state government personnel and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

This bill was re-referred in hopes that negotiations for land might occur which would allow the construction of a new parking facility for the state without displacing homeowners. That did not occur, therefore, the Committee recommends that this bill be defeated. Vote 15-0. Rep. Warren L. Swope for Public Works.

HB 557, relative to restoration and preservation of covered wooden bridges. **INEXPEDIENT TO LEGISLATE.**

Despite extensive testimony and consideration, and an inability to satisfy the sponsors and the Department of Transportation with a compromise position, all parties felt it would be better to report this bill Inexpedient to Legislate. The Committee recognizes the sponsors' desire to have covered bridges restored to as near as practical original condition, but it also recognizes the Department of Transportation's concerns that too stringent a set of standards could make it financially impractical to restore covered bridges and they would fall into disrepair. Vote 16-0. Rep. Gene G. Chandler for Public Works.

HB 725-FN, relative to the highway fund. **OUGHT TO PASS WITH AMENDMENT.**

The Committee reemphasizes its support of placing all motor vehicle fees in the highway fund without dilution or diversion to the general fund. The amendment would make this act effective July 1, 1991 to allow for this change to be incorporated in the budget for the next biennium. Vote 16-0. Rep. Beaton Marsh for Public Works.

Amendment

Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect July 1, 1991.

Referred to Appropriations.

HB 731, dedicating the state police barracks in Milford to Major John T. Conti. **OUGHT TO PASS WITH AMENDMENT.**

The Committee voted to amend the bill to dedicate the Milford Barracks to two veteran state police officers from Milford in addition to Major Conti, an honor each deserves. There was a split vote in the Committee which reflected concern by some

members that this bill might result in never-ending requests for building dedications. Their concern did not question the appropriateness of dedicating the barracks to these three officers. The Subcommittee's research indicated that this was not a precedent-setting move. Vote 10-6. Rep. Roland A. Frechette for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

dedicating the state police barracks in Milford.

Amend the bill by replacing all after the enacting clause with the following:

1 Dedication; State Police Barracks in Milford. In recognition of service to Milford and surrounding communities, the general court hereby dedicates the state police barracks in Milford in memory of Major John T. Conti, Sergeant Roger Hilton, and Sergeant William Smith as the original troopers in Milford, and all who have since served the state police in Troop B.

2 Plaque. The department of safety shall affix and maintain a suitable plaque inside the barracks.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill dedicates the state police barracks in Milford.

HB 149-FN, relative to operational permits for public water systems. **OUGHT TO PASS WITH AMENDMENT.**

The purpose of the amendment is to provide a comprehensive drinking water protection program for the citizens of New Hampshire. The amendment establishes a fee system for the issuance of an operational permit for public water systems. The fee charges are established in the bill and are to be placed in the operational permits account to cover the cost of the positions in this Division. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to operational permits for public water systems and
relative to classified positions in the division of
water supply and pollution control.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. RSA 485:1 is repealed and reenacted to read as follows:
485:1 Statement of Purpose.

I. The purpose of this chapter is to provide a comprehensive drinking water protection program for the citizens of New Hampshire. It shall be consistent with and at least as stringent as the Federal Safe Drinking water act standards.

II. In order to implement a comprehensive drinking water protection program, the division of water supply and pollution control shall:

- (a) Monitor the water quality of public water supplies.
- (b) Provide technical assistance to water operators and the general public.
- (c) Review the design of proposed public water systems and alterations for existing systems.

(d) Periodically conduct sanitary surveys of public water systems to make certain of proper safety and operation.

(e) Require that public water supplies comply with all pertinent federal and state statutes and rules.

(f) Educate citizens for the need and methods of providing safe and adequate drinking water.

2 New Section; Definitions. Amend RSA 485 by inserting after section 1 the following new section:

485:1-a Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings:

I. "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

II. "Contaminant" means any physical, chemical, biological or radiological substance or matter in the water.

III. "Department" means the department of environmental services.

IV. "Division" means the division of water supply and pollution control, department of environmental services.

V. "Feasible" means capable of being done with the use of the best technology, treatment techniques, and other means which the division finds, after examination for efficacy under field as well as laboratory conditions, is available at reasonable cost.

VI. "Maximum contaminant level" means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from the definition.

VII. "Maximum contaminant level goal" means that level of a contaminant in water at which no known or anticipated adverse effects on the health of consumers occur and which allows an adequate margin of safety, as determined by federal and state agencies.

VIII. "National Drinking Water Regulations" means the drinking water regulation promulgated by the administrator of the U.S. Environmental Protection Agency under the authority of the Safe Drinking Water Act, P.L. 93-523, as amended.

IX. "Non-community water system" means a public water system that is not a community water system.

X. "Non-transient non-community water system" means a system which is not a community water system and which serves the same 25 people, or more, over 6 months per year.

XI. "Operator" means the individual who has direct management responsibility for the routine supervision and operation of a public water system or of a water treatment plant or collection, treatment, storage or distribution facility or structure that is a part of a system.

XII. "Person" means any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

XIII. "Political subdivision" means any municipality, county, district, or any portion or combination of 2 or more thereof.

XIV. "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:

(a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

(b) Obtains all of its water from, but is not owned or operated by, a public water system; and

(c) Does not sell water to any person.

XV. "Supplier of water" means any person who controls, owns or generally manages a public water system.

XVI. "Water treatment plant" means that portion of the public water system which is designed to alter the physical, chemical, biological or radiological quality of the water or to remove any contaminants.

XVII. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

3 New Section; Permit Authority. Amend RSA 485 by inserting after section 3 the following new section:

485:3-a Permit Authority. The division may grant operational permits for public water systems.

4 New Paragraph; Permit Fee. Amend RSA 485:41 by inserting after paragraph VII the following new paragraph:

VIII. Adopt a fee system for the issuance of an operational permit for public water systems subject to this chapter. The division shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems shall be \$1,800 per 3-year period. The fee category for nontransient and noncommunity systems shall be \$600 per 3-year period. All fees shall be paid to the division for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the salary and the benefits for the following permanent full-time employees in the division's engineering bureau: one administrator IV; one civil engineer VI; one environmentalist IV; 2 environmentalists III; one administrative secretary supervisor; and one word processor II.

5 New Subparagraph; Special Account. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) Moneys received as operational permit fees under RSA 485:41, VIII, which shall be credited to the operational permits account.

6 Positions Established. The department of environmental services establish the following new permanent full-time classified employees in the division of water supply and pollution control: one administrator IV; one civil engineer VI; one environmentalist IV; two environmentalists III; one administrative secretary supervisor; one word processor II;

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill is a request of the division of water supply and pollution control.

This bill provides authority for the division to grant operational permits for public water systems, and sets a fee category for community and noncommunity systems. The bill grants rulemaking authority to establish the application process for the issuance of operational permits.

The bill adds 7 permanent classified positions to the division's engineering bureau.

The bill also adds a statement of purpose to RSA 485 relative to the need to provide a comprehensive drinking water protection program.

HB 171-FN, relative to fees at certain state park beaches. **INEXPEDIENT TO LEGISLATE**.

The Committee feels that the Department of Resources and Economic Development has done the right thing in going to the honor system at Wallis Sands State Park, and feels that there is not enough justification to change the statewide policy of per person charges at all state parks. Vote 16-1. Rep. Stephen G. Avery for Resources, Recreation and Development.

HB 442-FN-A, establishing a lakes management and protection program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**.

This re-referred bill has been amended to focus on the developing appropriate guidelines for and coordinating lakes management and shoreland protection measures at both the state and local levels. It establishes a program for lakes that is similar to the Rivers Management and Protection Program and which encompasses a wide range of lakes issues. The amended bill calls for the creation of a lakes coordinator position in the Department of Environmental Services as well as a lakes management and protection advisory committee. Technical assistance will be provided at the local level. The bill carries an appropriation of \$50,000. Vote 16-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Duty Added. Amend RSA 4-C:1, II(i) to read as follows:

(i) *Participate and advise in matters of land use planning regarding lakes and rivers management programs.*

(j) Perform such other duties as the governor may assign.

2 New Chapter; New Hampshire Lakes Management and Protection Program. Amend RSA by inserting after chapter 483 the following new chapter:

CHAPTER 483-A**NEW HAMPSHIRE LAKES MANAGEMENT AND PROTECTION PROGRAM**

483-A:1 Statement of Policy. New Hampshire's lakes are one of its most important natural resources; vital to wildlife, fisheries, recreation, tourism, and the quality of life of its citizens. It is the policy of the state to insure the continued vitality of New Hampshire lakes as key environmental, social, and economic assets for the benefit of present and future generations. The state shall encourage and assist in the development of management plans for the waters as well as the shoreland to conserve and protect outstanding characteristics, including recreational, aesthetic, and community significance, so that these valued characteristics shall endure as part of lake uses to be enjoyed by the citizens of New Hampshire.

483-A:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner, department of environmental services.

II. "Advisory committee" means the lakes management advisory committee established in RSA 483-A:6.

III. "Lake" means the bodies of fresh water as defined in RSA 271:20.

483-A:3 Program Established; Intent. There is established the New Hampshire lakes management and protection program within the department of environmental services. It is the intent of the legislature that the New Hampshire lakes management and protection program shall complement and reinforce existing state and federal water quality laws. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of lakes shall be maintained or enhanced, that wildlife habitat shall be protected, that opportunity for public enjoyment of lake uses be ensured, and that littoral interests shall be respected.

483-A:4 Lakes Coordinator. There is established in the office of the commissioner, department of environmental services, a state lakes coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire lakes management and protection program.

483-A:5 Management.

I. The lakes coordinator, in consultation with the advisory committee, and upon consideration of recommendations from each of the relevant divisions and bureaus within the department of environmental services, shall prepare and submit to the legislature for consideration proposed state level management criteria to be provided for the state's lakes. The management criteria upon adoption shall provide the basis for state agency decisions regarding lakes management and protection. The purpose of such criteria shall be to ensure that:

(a) Water quality shall not be degraded from existing water quality standards established in RSA 485-A.

(b) Potential sources of pollution, whether point or non-point sources on the land or deriving from activity on the lake, shall be managed in such a way as to minimize their adverse impact on water quality. No significant adverse impact or cumulative adverse impact on water quality shall be permitted.

(c) The environment for wildlife, particularly waterfowl and aquatic life, shall be maintained or improved.

(d) The use of lakes and their drainage areas for flood protection and water supply shall be recognized and protected.

(e) Public access shall be provided and maintained appropriate to suitable uses of the lakes.

(f) Recreation uses of lakes shall be consistent with the carrying capacity and character of each lake and shall include, but not be limited to, the use of appropriate watercraft, swimming, and fishing. Permitted uses shall provide opportunity for the safe enjoyment of a variety of lake experiences within the state as a whole.

II. Stewardship of state-owned shorelands and right-of-ways shall meet high standards.

III. No state-owned property adjacent to or providing access to a lake shall be disposed of by the state except upon the review and recommendations of the advisory committee.

483-A:6 Lakes Management Committee; Establishment.

I. There is established a lakes management advisory committee.

II. The advisory committee shall include the following members to be appointed by the governor and council:

(a) A member representing a New Hampshire lake association nominated by the New Hampshire Lakes Federation.

(b) A member representing the state conservation committee established in RSA 432:10.

(c) A member of the fish and game commission.

(d) An elected municipal officer of a lakefront community nominated by the New Hampshire Municipal Association.

(e) A member of a conservation commission from a lakefront community nominated by the New Hampshire Association of Conservation Commissions.

(f) A member representing the scientific community from the University of New Hampshire.

(g) A member representing the tourism industry nominated by the New Hampshire Travel Council.

(h) A representative of the conservation community chosen from a list of 3 nominees submitted by the Society for Protection of New Hampshire Forests, the Audubon Society, and the New Hampshire Wildlife Federation.

(i) A member representing the Marine Dealers Association.

III. The director of the office of state planning, the executive director of the fish and game department, the commissioner of resources and economic development, the commissioner of the department of safety, the commissioner of the department of agriculture, and the commissioner of the department of transportation, or their designees, shall serve as nonvoting members of the committee.

IV. The terms of state agency members shall be the same as their terms in office. Voting members shall serve 3-year terms, provided, however, that for the initial appointment, persons appointed under subparagraphs:

(a) (a) through (c) shall be appointed for one year;

(b) (d) through (f) shall be appointed for 2 years; and

(c) (g) through (i) shall be appointed for 3 years.

V. The commissioner shall convene the first meeting no later than September 1, 1990. The committee shall elect a chairperson and vice-chairman. Subsequent meetings shall be at the call of the chair, or at the request of 3 or more committee members. The lakes coordinator referred to in RSA 483-A:4 shall serve as secretary and staff to the committee.

VI. The advisory committee shall advise the commissioner and lakes coordinator in carrying out the purposes of this chapter.

483-A:7 Lakes Management and Protection Plans.

I. The lakes coordinator, in consultation with the advisory committee and with the cooperation and assistance of the office of state planning, shall develop detailed guidelines for coordinated lake management and shoreland protection plans together with recommendations for implementation. Upon acceptance of the guidelines by the advisory committee, the lakes coordinator and members of the advisory committee shall hold public hearings regarding the guidelines. At least one hearing shall be held in each counselor district.

II. The lakes coordinator and the office of state planning, with the help of appropriate council on resources and development agencies, shall provide technical assist-

ance and, within the limits of legislative appropriations, award financial grants to regional planning commissions established under RSA 36:45-53 in support of lake management and shoreland protection planning. The commissioner, with the advice of the lakes coordinator and the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to awarding financial grants under this paragraph.

III. The lakes coordinator and the office of state planning, in cooperation with regional planning agencies, and appropriate council on resources and development agencies, shall provide technical assistance and information in support of lake management and local shoreland planning efforts consistent with the guidelines established under RSA 483-A:7, I and compatible with the criteria established under RSA 483-A:5.

IV. Whenever more than one municipality borders a lake, all such municipalities shall be encouraged to cooperate in the development of a coordinated lake management and shoreland protection plan.

V. Lake and shoreland management plans developed pursuant to paragraphs I, II and III shall address, but not be limited to, the following:

- (a) Permitted recreational uses and activities.
- (b) Permitted non-recreational uses and activities.
- (c) Existing and future land uses.
- (d) Protection of wetlands, wildlife, fish habitats, and other significant natural areas.
- (e) Dams, bridges, and other water structures.
- (f) Public access by foot and vehicle.
- (g) Setbacks and other location requirements.
- (h) Dredging, filling, mining and earth moving.
- (i) Prohibited uses.
- (j) Factors controlling water levels and flowage rights.
- (k) Facilities appropriate to support approved lake uses.
- (l) Water safety.
- (m) Other factors affecting water quality.

483-A:8 Acceptance and Expenditures of Funds.

I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other funds and incentives; and interests in land for the purposes of this chapter.

II. The lakes coordinator, with the approval of the commissioner, may expend any funds received under paragraph I for the purposes of this chapter, and such funds are hereby continually appropriated.

483-A:9 Affected state agencies shall cooperate with and assist the lakes coordinator and the advisory committee in the development and implementation of lakes management plans established under RSA 483-A:7.

3 Reports. Proposed state level management criteria under RSA 483-A:5 shall be submitted by the lakes coordinator to the speaker of the house and president of the senate in the form of proposed legislation on or before December 1, 1991.

4 Appropriation. The sum of \$50,000 is hereby appropriated to the department of environmental services for the biennium ending June 30, 1991, for the purposes of section 2 of this act. This appropriation shall be in addition to any other appropriation to the department for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 New Section; Rivers Management and Protection. Amend RSA 483 by inserting after section 13 the following new section:

483:14 Disposition of State Property. No state-owned property adjacent to or providing access to a river shall be disposed of by the state except upon the review and recommendation of the advisory committee.

6 Repeal. 1986, 190, relative to lakes and rivers deserving protection, is repealed.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a New Hampshire lakes management and protection program similar to the rivers management and protection program.

The department of environmental services shall administer the program.

The bill also requires the recommendation of the rivers management advisory committee prior to the disposal by the state of state-owned property by a river.

An appropriation is requested to fund the program.

Referred to Appropriations.

HB 539-FN, relative to establishing a fund for construction costs of public utilities. **INEXPEDIENT TO LEGISLATE.**

This bill was re-referred to provide a vehicle to deal with the Public Service Company of New Hampshire bankruptcy. It is not required, and therefore is recommended as Inexpedient to Legislate. Vote 9-0. Rep. Charles C. Vogler for Science, Technology and Energy.

HB 33, prohibiting ski craft on Stinson Lake in the town of Rumney. **INEXPEDIENT TO LEGISLATE.**

With the passage of Senate Bill 111, this problem has been resolved by the Department of Safety hearing process. Vote 14-0. Rep. Richard L. Haynes for Transportation.

HB 49, prohibiting ski craft on Rust Pond, Lake Wentworth, and Crescent Lake in the town of Wolfeboro. **INEXPEDIENT TO LEGISLATE.**

With the passage of Senate Bill 111, this problem has been resolved by the Department of Safety hearing process. Vote 15-0. Rep. Richard L. Haynes for Transportation.

HB 405-FN-A, relative to the driver training fund. (A) **OUGHT TO PASS WITH AMENDMENT.**

House Bill 405, as amended, will continue the appropriation of \$100 for each pupil who completes an approved driver training program in public secondary schools. The moneys are obtained from the special fee from vanity number plates collected in accordance with RSA

261:89. The remaining moneys will be deposited in the highway fund as directed by Part Second Article 6-a of the New Hampshire Constitution. Vote 12-0. Rep. Roger Stewart for Transportation.

Amendment

Amend RSA 263:52 as inserted by section 1 of the bill by replacing it with the following:

263:52 Driver Training Fund. The proceeds from original license fees as provided in RSA 263:42, number plates for citizens' band operators in accordance with RSA 261:79, and \$5 from every special fee for vanity number plates collected in accordance with RSA 261:89, plus such additional portion of the \$25 special fee for vanity

number plates or the renewal of the use of such plates as is needed to fund \$100 per pupil for each pupil who completes the driver training program in accordance with this section for each fiscal year, after costs of such plates or designation of effective periods thereof and issuance of the same have been deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. After all costs of administration of the program each year of the biennium have been deducted, the balance of the moneys are continually appropriated to the driver training fund, provided that no administrative cost under this section shall be a charge against the \$100 per pupil funding. Such balance shall be kept in the driver training fund, from which shall be paid out on or before September 15 of each year to participating schools an amount equal to \$100 per pupil for those who have completed the driver education program. Any remaining moneys shall be deposited in the highway fund. The commissioner of safety jointly with the commissioner of education shall adopt, pursuant to RSA 541-A, and publish rules governing the courses of instruction and training and accountability of funds, and determining eligibility of secondary schools to receive moneys from the fund established by this section.

AMENDED ANALYSIS

This bill requires that \$100 be paid to each participating school for each student who has successfully completed the driver's education course.

The bill authorizes the moneys in the driver training fund to provide such funding and requires that any funds remaining in such fund, after the \$100 obligation has been met, shall be deposited in the highway fund.

Any administrative charges shall be in addition to the \$100 per pupil funding and not a charge against the per pupil sum authorized.

Referred to Appropriations.

HB 490, establishing a speed limit and restricting the use of certain devices on a portion of the Connecticut River. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes a speed limit of six mph for power boats on the Connecticut River between Ledyard Bridge in Hanover and a point three miles north of the bridge. The only exceptions would be for emergency vessels, state patrols and boats with persons coaching rowing. Vote 13-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a speed limit on a portion of the Connecticut River and relative to ski craft hearings.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Speed Limit Established; Other Restrictions. Amend RSA 270 by inserting after section 119 the following new section:

270:120 Connecticut River.

1. Notwithstanding any other law to the contrary, no person shall use or operate any motorboat or any boat equipped with an outboard motor in excess of headway speed of 6 miles per hour upon the waters of the Connecticut River between the Ledyard Bridge in Hanover and a line across the river a distance of 3 miles to the north of the Ledyard Bridge.

II. No person shall operate a motorboat or any boat equipped with an outboard motor in the area described in paragraph I while towing a person, whether or not that person is using waterskis, an aquaplane, or any other similar device.

III. The provisions of this section shall not apply to a motorboat or any boat equipped with an outboard motor that is used in the area described in paragraph I as follows:

- (a) By state or town employees for patrolling the area;
- (b) By any person in the case of an emergency rescue activity; or
- (c) By a person in connection with the coaching of rowing.

IV. Any person who violates this section shall be guilty of a violation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a speed limit for power boats on the Connecticut River between Ledyard Bridge in Hanover and a point 3 miles north of the bridge.

HB 504, relative to public and congregate mooring fields. INEXPEDIENT TO LEGISLATE.

The delay and inconsistencies in the issuance of moorings has now been reduced. The continued monitoring of this improvement has made this bill unnecessary. Vote 14-1. Rep. Kenneth W. Malcolm for Transportation.

HB 520-FN, permitting nonprofit organizations to erect informational signs along highways. INEXPEDIENT TO LEGISLATE.

The Committee felt that this bill would open the door to an extremely large number of nonprofit organizations for roadside signs on federal highways. This problem already is being solved by the Department of Transportation. Vote 14-0. Rep. Richard L. Haynes for Transportation.

HB 631-FN, relative to railroad consolidation with other public utilities or common carriers. OUGHT TO PASS.

This bill requires the approval of the Commissioner of the Department of Transportation for the consolidation of any public utilities with railroads or other common carriers operating in this state. Notice to stockholders is also required. Vote 14-0. Rep. Richard L. Haynes for Transportation.

HB 639-FN, relative to the disposition of acquired rail properties. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, will transfer monies from the general funds received from the sale of abandoned railroad property to the special fund so established. Vote 14-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the disposition of acquired or
abandoned rail properties.

Amend the bill by replacing all after the enacting clause with the following:

1 Rail Properties. RSA 228:67 is repealed and reenacted to read as follows:

228:67 Disposition of Acquired or Abandoned Rail Properties. Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are

no longer needed, he may transfer or sell such rail properties, excluding the railroad bed and right-of-way lying within a corridor, to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purposes and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, with the proceeds from the sale distributed to the Federal Railroad Administrator, Department of Transportation, in accordance with the grant agreement for the federal share of the participation in the original purchase of the rail properties. The balance shall be deposited into the special fund established in RSA 228:68. Such transfer or sale shall require approval of the governor and council. For the purpose of this section, "corridor" shall mean from the point of origin of railroad tracks or bed and right-of-way to the point of terminus within the state, excluding spur lines and sidings which are incidental to the main line.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of transportation to sell, with approval of governor and council, certain abandoned or acquired rail properties owned by the state and rights-of-way no longer needed. Proceeds from such sales are deposited in the special railroad fund established pursuant to RSA 228:68.

HB 716, to codify certain boating and water safety rules. OUGHT TO PASS WITH AMENDMENT.

This bill codifies rules concerning: (1) vessels operating on surface waters of state; (2) motorboats towing water skiers; (3) water ski jumps; (4) kite skiing from motorboats; (5) overloading; (6) water events, exhibitions, etc.; (7) inspections; (8) riding on gunwales, bows and transoms. The Committee approved this codification on a vote of 18-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter. Amend RSA by inserting after chapter 270-C the following new chapter:

Chapter 270-D

Boating and Water Safety on New Hampshire Public Waters

270-D:1 Definitions. In this chapter:

I. "Boat" means every description of watercraft other than sea planes, capable of being used or used as a means of transportation on the water and which is primarily used for non-commercial purposes, or leased, rented, loaned or chartered to another for such use.

II. "Commercial vessel" means any vessel carrying passengers for hire as a common carrier of passengers, or property.

III. "Director" means the director of the division of safety services, department of safety.

IV. "Division" means the division of safety services, department of safety.

V. "Headway speed" means the slowest speed that a boat can be operated and maintain steerage way, but which does not exceed 6 miles per hour.

VI. "Motorboat" means any vessel being propelled by machinery, whether or not such machinery is the principal source of propulsion.

VII. "No wake area" means an area where a boat is to be operated only at headway speed.

VIII. "PFD" means a personal flotation device of a type approved by the United States Coast Guard.

IX. "Person" means person as defined in RSA 21:9.

X. "Vessel" means any type of watercraft used or capable of being used as a means of transportation on water, except a seaplane.

XI. "Wake" means any disturbance created on the surface of the water as a result of combined vessel motion and hull displacement.

XII. "Water skiing" means a person being towed behind a moving motorboat on any type of device, aquatic equipment designed for towing, aquaplane or substance, including the bare feet of a person, but excluding a person being towed in another boat or motorboat.

270-D:2 General Rules for Vessels Operating on Water.

I. Vessels shall be operated at headway speed only, while passing under all bridges.

II.(a) It shall be the duty of each vessel to keep to the right when vessels are approaching each other head on.

(b) When the courses of vessels are so far in the starboard of each other as not to be considered as approaching head on, they shall keep to the left.

III. When vessels are crossing courses or approaching each other in an oblique direction which may involve risk of collision, the vessel which has the other on its starboard side shall keep out of the way of the other, allowing the latter vessel to keep its course and speed.

IV. When vessels are running in the same direction and the vessel which is astern desires to pass the other, it shall do so only when sufficient distance between the vessels is available to avoid danger of collision, and at such a speed that its wake will not endanger the boat being passed or its occupants. No person operating a vessel shall abruptly change its course without first determining that it can safely be done without crossing immediately ahead of another vessel.

V. If, when vessels are approaching each other, either vessel fails to understand the course or intention of the other from any cause, such vessel or vessels shall immediately slow to a speed barely sufficient for steerage until the vessels have safely passed each other. If it appears the danger of collision is imminent both vessels shall stop or reverse and not proceed until such danger has been averted.

VI. All vessels shall keep a distance of at least 150 feet from other vessels, rafts, floats, swimmers, a line of floats outlining a swimming area, or the shore; except, when prevented by a narrow channel or when approaching or leaving other vessels, rafts, floats or the shore. When approaching or leaving other vessels, rafts, floats or the shore, the speed of all boats shall be reduced to headway speed to provide full visibility and control and to prevent their wake from being thrown into or causing excessive rocking to other boats, barges, water skiers, aquaplanes or other boats, rafts or floats. These requirements shall apply to boats, barges, water skiers, aquaplanes or other devices being towed by motor boats, but shall not apply to a boat engaged in water skiing which is starting off as long as neither the boat nor the skier is endangering the life or safety of any person. The operator of a towing boat shall be responsible for compliance with this paragraph.

VII. When a vessel is given the right-of-way, such vessel shall hold its course and maintain such speed as the circumstances prudently permit.

VIII. When a vessel is required to keep out of the way of another, it shall, if necessary, slacken its speed, stop, or reverse, and avoid crossing ahead of any other vessel.

IX. Canoes, rowboats and sailboats shall be given the right-of-way. This requirement shall not be construed to allow deliberate impediment of motorboats by canoes, rowboats or sailboats.

270-D:3 Motorboats Towing Water Skiers and Aquaplanes.

I. No person shall operate a motorboat while towing water skiers, aquaplanes, or similar devices unless another person is present in the motorboat who is physically able to observe and assist the person or appurtenance being towed. The observer shall be 13 years of age or older.

II. The operator of the motorboat shall be responsible for compliance with the navigation requirements under this subdivision for both the vessel and the person or appurtenance being towed. In addition any person being towed by a motorboat shall comply with all navigation rules.

III. No more than 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the same time. When 2 person are being towed, 2 observers, in addition to the operator, shall be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this paragraph, more than 2 skiers may be towed if a special permit issued by the director.

IV. Except in connection with water events and exhibitions authorized by the director, no towing of water skiers, aquaplanes or similar devices shall be conducted during the period between sunset and sunrise.

V. No person shall be towed on water skis or other appurtenances unless the person is wearing a coast guard approved type 1, 2, or 3 PFD.

270-D:4 Water Ski Jumps. No person shall locate for use on the public waters of this state, a water ski jump without first obtaining the approval of the director or his duly authorized representative.

270-D:5 Kites and Gliders; Kite Skiing. No motorboat shall be operated on the public waters of the state towing a kite glider, or parasail, or a person engaged in a similar activity without the approval of the director or his duly authorized representative.

270-D:6 Overloading. No vessel shall be operated while carrying passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other operating conditions.

270-D:7 Water Events, Exhibitions, Etc. Any person or organization sponsoring a water carnival or an exhibition shall obtain the consent of the director or his duly authorized representative. Application for such events shall be submitted to the division of safety services at least 10 days in advance of the proposed activity and shall specify the date, time and type of event to be sponsored, and include a map of the course or courses.

270-D:8 Inspections. All vessels afloat on public waters may be inspected by the director or his duly authorized representative, to determine their seaworthiness and safety equipment at any time. No person shall allow any vessel which fails to pass such inspection to be used or operated on the waters of this state until brought into compliance.

270-D:9 Riding on Gunwales, Bow and Transom. No person shall operate a motorboat or ride as a passenger therein while sitting on either the starboard or port gunwales or the transom, and no person shall straddle the bow while underway.

270-D:10 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, regarding:

I. Special permits for towing of more than 2 skiers by motorboats under RSA 270-D:3, III.

II. The authorization of water events and exhibitions under RSA 270-D:3, IV and RSA 270-D:7.

III. Approval of water ski jumps on public waters under RSA 270-D:4.

IV. Approval of kite skiing and similar activities on public waters under RSA 270-D:5.

V. Inspection of vessels under RSA 270-D:8.

2 Rules Rescinded. The following department of safety watercraft safety rules, are hereby rescinded:

I. Saf-C 404.01, exceeding headway speed under bridges.

II. Saf-C 404.02 - 404.08, failure to yield right-of-way.

III. Saf-C 404.11, rights of canoes, rowboats, and sailboats.

IV. Saf-C 404:17, motorboats towing water skiers and aquaplanes, etc.

V. Saf-C 404.18, water ski jumps.

VI. Saf-C 404.19, kite skiing.

VII. Saf-C 404.20, overloading.

VIII. Saf-C 404.21, water events, exhibitions.

IX. Saf-C 404.22, vessels, private, rental and commercial.

X. Saf-C 404.22, riding on gunwales, bow and transom.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill codifies certain boating and water safety rules to be implemented on the public waters of the state.

REGULAR CALENDAR

HB 435-FN-A, making an appropriation for health services for young children. **ought to pass with amendment.**

The legislation provides additional monies to reduce the number of children now deprived of this valuable preventive action. Although there still will not be full coverage of children needing the service, it will be a giant step forward in preventing child illnesses and the magnitudes of costs in future corrective and rehabilitative dollars. The Fiscal Note calls for expenditures of \$850,000 in FY91. Vote 11-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to make an appropriation in order to fund health services for young children who are from low-income families throughout the state. Basic health services offered under this "Well Child" program include but are not limited to physical checkups, immunizations, hearing and vision screenings, and lead screenings.

2 Appropriation. In addition to any other sums appropriated, the sum of \$850,000 is appropriated for the fiscal year ending June 30, 1991, to the bureau of maternal and child health, division of public health services, department of health and human services, for the purpose of funding direct health services for young children as provided in section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill makes an appropriation for the fiscal year ending June 30, 1991, to the bureau of maternal and child health, division of public health services, department of health and human services for the purpose of funding health services for young children.

Amendment adopted.

Referred to Appropriations.

HB 399-FN-A, relative to an emergency loan fund for school district facilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The evidence submitted by the Department of Education's survey did not indicate any great need or concern for this piece of legislation. Questionnaires were sent to 60 SAUs. Vote 17-0. Rep. Edmund M. Keefe for Education.

Resolution adopted.

HB 425-FN-A, revising the school building aid system. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 425 changes the formula that is used in distributing Building Aid Funds. It allows for the state of New Hampshire to issue bonds to pay for building aid and to distribute that aid in one up-front distribution made payable to the local district thus providing some local tax relief. The amendment removes mention of the Real Estate Transfer Tax as the funding mechanism. The Committee has a strong desire to pass this new Building Aid Formula onto the Appropriations Committee. Vote 16-1. Rep. Dennis R. Bolduc for Education.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to implement the recommendations of a study committee created by 1988, 290, which examined school facilities. The study committee recommended that legislation be enacted to revise the school building aid system.

2 State Bonding for Payment of Construction Costs. Amend RSA 198:15-a to read as follows:

198:15-a [Annual] Grant for [the Payment of Debt Service for] School Construction. To aid local school districts in meeting the costs of [the payment of debt for] school buildings and educational administration buildings, including office facilities for supervisory unions, the state board of education shall, from funds [appropriated by the general court] *raised through the issuance of bonds and notes for school building aid* to carry out the provisions of this subdivision, pay [annually] to the school districts of the state, sums in accordance with the provisions of this subdivision. The state board of education shall withhold 10 percent of the total project cost pending final approval by the board of such project.

3 School Building Aid Percentage Set; Incentive Increases; Deletion of Term. Amend the section heading of RSA 198:15-b and RSA 198:15-b, I, II and III to read as follows:

198:15-b Amount of [Annual] Grant.

I. The amount of the [annual] grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area

school as defined in RSA 195-A:1, shall be a sum equal to [30] 35 percent of the [amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter incurred, for the] cost of construction, *renovation* or purchase of school buildings and [school administrative unit] facilities *of a school district, city, cooperative school district or receiving district*, to the extent approved by the state board of education, [provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be 40 percent] plus [5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.], *in the case of a cooperative school district, 2 percent for each school district in the cooperative, not to exceed 10 percent, and plus, in the case of a receiving district operating an area school, 1.5 percent for each school district in the AREA agreement, not to exceed 7.5 percent. In the case of a school administrative unit, the amount of the grant shall be 40 percent of the cost of construction, renovation or purchase of facilities for such school administrative unit.*

II. For the purposes of computing grants hereunder, the amount of the [annual] payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time[, divided by the number of years for which bonds or notes were issued to provide funds for such school building or school administrative unit facilities]; provided, however that funds transferred to capital reserve from trusts, bequests and gifts or money received from insurance policies shall not be eligible for computing grants hereunder. [When bonds and notes are issued for a period of less than 5 years, the amount of aid for which the district is eligible shall be paid in no fewer than 5 equal installments.]

III. If the project was entirely financed by the use of amounts raised by taxation or by the use of capital reserve other than funds from trusts, bequests, gifts or received from insurance policies the aid provided herein shall be paid in [5 equal installments] *accordance with RSA 198:15-d, II.*

4 Application Deadline. Amend RSA 198:15-c to read as follows:

198:15-c Approval of Plans, Specifications and Costs of Construction, *Renovation* [and/or Purchase. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction, *renovation* [and/or proposals for the purchase of school buildings, *or any combination of such items*, and the costs [thereof] *for them* approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost and purchase estimates in writing to the state board on such forms as the board prescribes. *Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal.* The state board shall not approve the plans, specifications, cost or purchase estimates, if in the board's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable. The state board shall not approve the plans, specifications, cost or purchase estimates if in the board's judgment the proposed construction, *renovation* or purchase is in conflict with effec-

tive statewide planning. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction, *renovation* [and/or purchase, *or any combination of the 3*, by the state board of education, the school district shall be entitled to receive [an annual] *a* grant as provided herein.

5 Lump Sum Payment Prior to Construction. RSA 198:15-d is repealed and reenacted to read as follows:

198:15-d Notice to State Treasurer; Time and Method of Payment of Grant.

I. Upon approval by the state board of education of the proposed construction, renovation or purchase, or any combination of the 3, as provided under RSA 198:15-c, the board shall notify the state treasurer that bonds should be issued for the purpose of funding the lump sum payment to the school district as provided under this subdivision.

II. School building aid grants shall be paid in a lump sum to school districts prior to the start of construction.

6 Bonds Authorized. To provide funds for the purpose of funding the state share of costs associated with school building construction, renovation or purchase, or any combination of the 3, as provided through school building aid pursuant to RSA 198:15-b, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$150,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general fund of the state. The bonds shall be 20-year bonds.

7 Applicability. The provisions of this act shall apply to bond issues for school construction approved after January 1, 1990.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes laws relative to the school building aid system, including authorizing the state treasurer to issue bonds and notes in order to pay the state's share of school building aid. The state's share is to be a lump sum payment of 35 percent of the construction cost, with certain exceptions.

Amendment adopted.

Rep. Larson yielded to questions.

On a voice vote, the Chair was in doubt and called for a division, 244 members having voted in the affirmative and 73 in the negative, the report was adopted.

Referred to Appropriations.

HB 567-FN, relative to expenditure of excess moneys by school districts. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, will allow school district meetings to vote on RSA 198:20-b to be in effect until the school district meeting votes to rescind such vote. This bill further allows school district meetings to vote to transfer unreserved fund balances to capital reserve funds, or trust funds. There is clarification of the nature of trust funds that may be established. This also gives school districts the same authority that towns already have. Vote 17-0. Rep. Kathleen M. Hoelzel for Education.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Expenditure of Excess Moneys. RSA 198:20-b is repealed and reenacted to read as follows:

198:20-b Appropriation for Unanticipated Funds Made Available During Year.

I. Notwithstanding any other provision of law to the contrary, any school district at an annual meeting may adopt an article authorizing indefinitely until specific rescission of such authority the school board to apply for, accept and expend, without further action by the school district, unanticipated money from a state, federal or other governmental unit or a private source which becomes available during the fiscal year. The following shall apply:

(a) Such warrant article to be voted on shall read: "Shall the school district accept the provisions of RSA 198:20-b providing that any school district at an annual meeting may adopt an article authorizing indefinitely until specific rescission of such authority the school board to apply for, accept and expend, without further action by the school district, money from a state, federal or other governmental unit or a private source which becomes available during the fiscal year."

(b) If a majority of voters voting on the question vote in the affirmative, the proposed warrant article shall be in effect in accordance with the terms of the article until such time as the school district votes to rescind its vote.

II. Such money shall be used only for legal purposes for which a school district may appropriate money.

III. The school board shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the meeting is held.

IV. Action to be taken under this section shall:

(a) Not require the expenditure of other school district funds; and

(b) Be exempt from all provisions of RSA 32 relative to limitation and expenditure of school district moneys.

2 New Sections; Capital Reserve Funds; Trust Funds. Amend RSA 198 by inserting after section 20-b the following new sections:

198:20-c Capital Reserve Funds Established from Unreserved Fund Balance; Appropriations.

I. School districts may establish capital reserve funds in accordance with the provisions of RSA 35 from unreserved fund balances. "Unreserved fund balance" shall be defined as surplus generated by unexpended balances of appropriations and excess revenues received over estimates. Such sums are added to the prior year ending fund balance to arrive at the current year fund balance. School districts may anticipate the amount of unreserved fund balance available at the close of the fiscal year, and unreserved fund balances may include anticipated unreserved fund balances for purposes of making an appropriation at the annual school district meeting.

II. In addition to establishing a capital reserve fund pursuant to paragraph I, school districts may appropriate from the unreserved fund balances to an existing capital reserve fund established in accordance with the provisions of RSA 35.

198:20-d Trust Funds Created for Specific Purposes; Expenditures; Administration.

I. The school district may at any annual meeting appropriate such sums of money or vote to transfer any anticipated unreserved fund balance as defined in RSA 198:20-c, I as they deem necessary to create expendable trust funds for specific purposes for the maintenance and operation of schools. The school board shall be named agents to

expend such trust funds. Expenditures from such trust funds shall be made only for the purpose for which the trust fund was established and for any other public purpose that is not foreign to the school districts' institution or incompatible with the objects of their organization.

II. School district trust funds created pursuant to this section shall be held in custody by the trustee named pursuant to RSA 31:22 of trust funds of the town wherein the school district lies, or in the case of school districts embracing two or more towns, by the trustees of trust funds of that town which the voters of the school district may elect at the annual school district meeting. In order to expend such funds, the school board shall hold a public hearing prior to the expenditure to be made. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the meeting is held.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows any school board which desires to spend excess moneys from any source which have become available during a fiscal year to do so, with certain restrictions, under the school board's own authority once a one-time warrant authorizing such action has been adopted at an annual school district meeting.

The bill authorizes school districts to establish capital reserve funds from unreserved fund balances. Such balances are defined as surplus money available to school districts from unexpended balances of appropriations and from actual revenues received in excess of revenues estimated. The bill also authorizes the appropriation by school districts of unreserved fund balance money to an existing capital reserve fund.

The bill permits the creation of trust funds by school districts for the purpose of holding in trust any anticipated unreserved fund balance. Such trust funds shall be expendable for the purpose of maintenance and operation of schools and for any other public purpose compatible with the objectives of the organization of such school districts.

Amendment adopted.

Referred to Appropriations.

HB 734-FN, creating a solid waste landfill reduction and cleanup program. **REFER FOR INTERIM STUDY.**

House Bill 734 is so complicated and time so limited that there is no way to give it adequate consideration, and to reach an acceptable and understandable solution. The Committee hopes to do this in the interim before the 1991 session. Vote 13-4. Rep. Elizabeth A. Greene for Environment and Agriculture.

Report adopted.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies. **ought to PASS WITH AMENDMENT.**

This bill was amended to require accountability for money collected from recycling activities of the Anna Philbrook Center and the Liquor Commission. Such funds, which are not used by June 30, shall lapse to the Special Recycling Fund. Vote 16-0. Rep. Elizabeth A Greene for Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that the wise use of society's natural resources includes the resource recovery techniques of recycling and reuse. The people of the state of New Hampshire generate approximately 2,800 tons per day and one million tons per year of solid waste, most of which is buried in landfills. Reuse and recycling reduces solid waste and litter, conserves natural resources, saves energy, saves waste disposal costs, reduces pollution, and promotes awareness of prudent resource management. The general court recognizes that it is important for the state to set the example in this critical area and seeks to accomplish this goal by requiring, when feasible, the agencies of the state to improve solid waste management by reuse and recycling.

2 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) The money received under RSA 21-I:60, which shall be credited to the special recycling fund established under RSA 21-I:60.

3 New Subdivision; Waste Reduction and Recycling Program. Amend RSA 21-I by inserting after section 58 the following new subdivision:

Waste Reduction and Recycling Program

21-I:59 Definition. In this subdivision "agency" means any state department, commission, board, institution, bureau, office or other entity, by whatever name called, established in the state constitution, statutes, session laws, or executive orders, but not including those within the legislative and judicial branches of state government.

21-I:60 Statewide Recycling Program for State Agencies; Fund.

I. The commissioner shall establish a mandatory waste reduction and recycling program which shall include a separate recycling program for each agency on or before November 30, 1990. The commissioner shall also adopt rules relative to guidelines for agencies to follow in their proposed individual plans. A special fund shall be established within the office of the state treasurer, to receive recycling revenue, which shall be utilized for purposes of this program. Agencies shall forward all recycling revenue to the state treasurer on a monthly basis. The commissioner may use moneys in the fund for the purposes of recycling and solid waste reduction.

II. Funds accruing to the Anna Philbrook center from the center's recycling program, and funds accruing to the liquor commission from the sale of corrugated boxes, shall be exempt from the provisions of paragraph I. The Anna Philbrook center and the liquor commission shall report quarterly to the director, division of plant and property management, on the respective agencies' use of such funds in their respective recycling programs. Excess funds generated by the recycling programs of the Anna Philbrook center and the liquor commission which are not used by June 30 of each year shall lapse to the fund established in RSA 21-I:60, I.

21-I:61 Individual Agency Plans. Each agency shall submit a proposed written waste reduction and recycling plan to the commissioner within 6 months of the effective date of this section. Within the plan, the agency shall identify and propose changes to any agency rules, policies, or practices which discourage solid waste reduction and recycling, or unnecessarily favor the use of virgin material instead of recycled material. Each agency shall also bring to the commissioner's attention any law which discourages such reduction and recycling, with the agency's recommended changes.

21-I:62 Commissioner to Provide Assistance. The commissioner shall provide consultation and technical assistance to each agency, in consultation with the department of environmental services.

21-I:63 Implementation of Agency Plans. Each agency shall implement its plan as soon as practicable, but in no event later than December 31, 1990. In addition, each agency shall review its bid specifications for materials purchased and shall revise any such specifications that unnecessarily prohibit the use of recycled products or which require the use of a new or virgin product.

21-I:64 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. What constitutes recycled or recyclable materials. Recyclable materials shall include, but not be limited to, separated clear and colored glass, aluminum, ferrous and non-ferrous metals, plastics, corrugated cardboard, batteries, tires, and all paper.

II. Suggested standards for agencies to use in developing their proposed individual waste reduction and recycling plans.

21-I:65 Recycled Materials Purchase Plan.

I. The department of administrative services, as the state's procurement agency, shall conduct its procurement operations so as to incorporate recycled and recyclable products into its purchasing decisions. Such products shall be made available to agencies whenever feasible, acceptable, and appropriate.

II. The department of administrative services shall promote awareness of and prevent discrimination against products which contain recycled materials in the following manner:

(a) The department shall include an appropriate bid specifications line asking bidders what percentage of the materials in their products are recycled and shall note that the state is seeking to increase procurement of products containing such materials.

(b) As soon as practicable, but in no event later than December 31, 1990, the department shall review bid specifications for materials purchased and revise any such specifications that unnecessarily prohibit the use of recycled products or that require the use of a new or virgin product.

III. The department shall strive to achieve goals for the increased purchase of papers containing recycled fiber content with a primary goal of a minimum of 25 percent of paper purchases being recycled paper by 1993.

IV. The department shall, to the greatest extent possible, avoid the purchase of specified materials or products which contribute to global environmental degradation and shall not purchase such materials when reasonable substitute materials are available.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted

Referred to Appropriations.

HB 78-FN. requiring correctional line personnel to have major responsibility for security for group II retirement purposes. INEXPEDIENT TO LEGISLATE.

To add the one word "major" to the definition that makes correctional line personnel "permanent policemen" for purposes of group II membership would serve little purpose. The Committee recognizes, however, that this bill was intended to help with an ongoing problem of how to decide just which jobs fit the definition. The Committee will consider the problem further and hopes to address it in connection with 1990 legislation. Vote 12-4. Rep. Richard H. Campbell for Executive Departments and Administration.

Resolution adopted.

HB 381-FN, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs. **INEXPEDIENT TO LEGISLATE.**

While the entire Committee recognizes the plight of financially-strapped political subdivisions, in part caused by federal and state mandates, the majority of the Committee determined that HB 381 raises additional concerns that caused the Committee to support the inexpedient report.

State agencies, under authority that predates Article 28-a of the New Hampshire Constitution, the article dictating that the state cannot institute new or expanded programs without funding them, operate in a number of areas essential to New Hampshire's quality of life. State agencies adopt rules regarding environmental quality and anti-drunk driving efforts, for example, that may cause some increase in local expenditures, but are nonetheless essential. If passed, this bill could stymie important state activity the Legislature demands.

The costs of educational standards are addressed in HB 585 being considered by the House Education Committee.

Several Committee members expressed the strongly-held opinion that state and federal mandates should not be heaped on local governments without due consideration of their financial impact and the provision of money to pay for the mandates. While the rest of the Committee shares that concern, the majority considered HB 381 an inappropriate way to address this issue. Vote 14-3. Rep. Wayne M. Burton for Executive Departments and Administration.

Rep. Burton yielded to questions.

Rep. David Young spoke against the Committee report and yielded to questions.

Rep. Eaton moved that HB 381 be Laid on the Table.

A roll call was called for. Sufficiently seconded.

YEAS 263

YEAS 263 BELKNAP

Golden, Paul A.
Rice, Thomas, Jr.
Turner, Robert H.

Holbrook, Robert G.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Daly, Robert J., Jr.
MacDonald, Kenneth J.

Dodge, Arthur G., Jr.
Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Delano, Robert F.
Foster, Katherine Davis
Hunt, John B.
Metzger, Katherine H.
Perry, David M.
Spear, Susan

Cole, Stacey W.
Doucette, Richard F.
Gordon, Irvin H.
Laurent, John J.
Morse, Jo-Ann T.
Pratt, Irene A.
Young, David A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Marsh, Beaton

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Maviglio, Steven R.
Rosen, Ralph J.
Ziegra, Alice S.

Foster, Robert W.
Wiggin, Allen R.

Crutchley, Donald O.
Eaton, Daniel Adams
Hill, Douglas E.
Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine

Merrill, Gerald
Therault, Romeo J.

Nelson, Harold D.
Woodburn, Jeffrey R.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Chambers, Mary P.
Dow, David
Markley, J. Keith
Stewart, Roger
Ward, Kathleen W.

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
Rose, William B.
Teschner, Douglass P.
Weymouth, Philip H.

Bennett, Shirley M.
Densmore, Edward D.
Hill, Richard L.
Shackett, Ralph E.
Townsend, Howard C.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Barry, Vivian
Boucher, Lionel R.
Brady, Carolyn L.
Desrosiers, William J.
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Flood, Jacqueline J.
Green, Scott E.
Hultgren, David D.
Jean, Romeo W.
Klose, John F.
Lachut, Ervin R.
Lown, Elizabeth
McNerney, Daniel P.
Moore, Elizabeth A.
Nardi, Theodora P.
Packard, Bonnie B.
Perham, Lester R.
Record, Alice Barnard
Riley, Frances L.
Schneiderat, Catherine
Steiner, Lee Anne
Turgeon, Roland M.
Wright, George W.

Alukonis, David J.
Baldizar, Barbara J.
Beaupre, Roland O.
Bourque, Ann J.
Cox, Gladys M.
Dionne, Paul R.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Elliott, Larry G.
Foote, Herbert N., Sr.
Haettenschwiller, A. A.
Hunter, Bruce F.
Keefe, Edmund M.
Kress, Gloria W.
Lawrence, Norman B.
McCann, Bonnie Lou
McRae, Karen
Morrissette, Roland
O'Rourke, JoAnne A.
Paquette, Rodolphe G.
Pignatelli, Debora B.
Reidy, Frank J.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.

Amidon, Eleanor H.
Barry, Janet Gail
Bicknell, Robert C.
Bowers, Dorothy C.
Deroschers, Gerard T.
Domaingue, Jacquelyn
Drolet, Paul L.
Dyer, Merton S.
Fields, Dennis H.
Frank, Nancy G.
Harlan, Susan N.
Jasper, Shawn N.
Kelley, Robert N.
Kurk, Neal M.
Lefebvre, Roland J.
McDowell, James E.
Messier, Irene M.
Murphy, Robert E.
Ouellette, Robert O.
Pepino, Leo P.
Prestipino, Bartolo V.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy
Fair, Patricia A.
Hall, Douglas E.
Johnson, C. William
Millard, Elizabeth S.
Shaw, Randall F.
Teague, Bert

Apple, Lowell D.
Bennett, J. Allen
Fillion, Paul R.
Hayes, Robert C.
Kidder, William F.
Nichols, Avis B.
Soldati, Jennifer
Tolpin, Richard W.

Barberia, Richard A.
Dunn, Miriam
Gilbreth, Robert M.
Hill, Michael
Lewis, Mary Ann
Pantzer, Eugene
Stio, Peter M.
Trombly, Rick A.

ROCKINGHAM

| | | |
|---------------------------|-------------------------|------------------------|
| Anderson, Carl F., III | Benton, Richardson D. | Boucher, William Paul |
| Brown, Jeffrey M. | Brown, Lewis W. | Buco, Stephen |
| Campbell, Eunice M. | Chase, Lawrence A., Jr. | Conroy, Janet M. |
| Cooke, Annette M. | Cote, Patricia L. | Dube, LeRoy S. |
| Fesh, Robert M. | Flanagan, Natalie S. | Flanders, Harry E. |
| Flanders, John W., Sr. | Ford, Bert H. | Forsythe, Douglas G. |
| Gage, Thomas U. | Greene, Elizabeth A. | Haynes, Richard L. |
| Hoelzel, Kathleen M. | Hynes, Carolyn E. | Johnson, Robert A. |
| Katsakiores, George N. | Katsakiores, Phyllis | King, Roger C. |
| Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr. | Lovejoy, Virginia K. |
| MacDonald, Joseph A. | MacDonald, Maurice B. | Mace, Ada L. |
| Magoon, Harold F. | Malcolm, Kenneth W. | McCain, William F. |
| McCarthy, John James, Jr. | McKinney, Betsy | Micklon, Stephanie K. |
| Palazzo, Frank J., Sr. | Parr, Ednapearl F. | Parsons, Robert F. |
| Popov, Elizabeth M. | Raynowska, Bernard J. | Remick, Barbara R. |
| Ritzo, Eugene | Rosencrantz, James R. | Schmidtchen, Rowland |
| Senter, Marilyn P. | Sherburne, John L. | Simon, Peter M. |
| Sochalski, Matthew M. | Splaine, John E., Sr. | Tufts, J. Arthur |
| Vaughn, Charles L. | Warburton, Calvin | Weddle, Michael Rodney |
| Welch, David A. | Wright, David B. | |

STRAFFORD

| | | |
|-------------------------|-------------------|----------------------|
| Bickford, Drucilla | Dionne, Albert J. | Flynn, Anita A. |
| Flynn, Edward J. | Foss, Patricia H. | Frechette, Roland A. |
| Keans, Sandra Balomenos | Kinney, Paula J. | Lachance, Douglas |
| Marston, Robert E. | Martling, W. Kent | Musler, George T. |
| O'Brien, John | Parks, Joe B. | Pelley, Janet R. |
| Spencer, Leo J. | Stewart, Glenn W. | Sullivan, Henry P. |
| Torr, Ann M. | Torr, Ralph W. | Tsiros, William |
| Young, John B. | | |

SULLIVAN

| | | |
|------------------------|-----------------------|---------------------|
| Behrens, Thomas A. | Burling, Peter Hoe | Domini, Irene C. |
| Flint, Gordon B. | Hinrichsen, Keith | Krueger, Richard H. |
| Lucier, Edward A., Jr. | MacAskill, Kenneth M. | Middleton, John A. |
| Peyron, Fredrik | Rodeschin, Beverly T. | Schotanus, Merle W. |
| Stamatakis, Carol M. | | |

NAYS 72**BELKNAP**

| | | |
|--------------------|---------------------------|---------------------|
| Bolduc, Dennis R. | Campbell, Richard H., Jr. | Hardy, Earle D. |
| Hawkins, Robert S. | Pearson, Ralph W. | Randall, Kenneth A. |
| Salatiello, Thomas | | |

CARROLL

| | |
|---------------------|------------------------|
| Olimpio, J. Lisbeth | Powers, Gerard E., Jr. |
|---------------------|------------------------|

CHESHIRE

| | | |
|-------------------|------------------|--------------------|
| Avery, Stephen G. | Cole, Kenneth A. | Grodin, Richard A. |
| LaMar, David M. | | |

COOS

Burns, Harold W.

GRAFTON

Adams, Carl S.
Guest, Robert H.
Scanlan, David M.

Brown, Channing T.
LaMott, Paul I.
Wadsworth, Karen O.

Copenhaver, Marion L.
Nordgren, Sharon
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Cote, David E.
Emerton, Lawrence
Goulet, Maurice E.
Hanselman, Gregory L.
Johnson, Lionel W.
Lozeau, Donnalee
Toomey, Daniel
Young, Willard N.

Cowenhoven, Garret P.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Holden, Carol H.
King, John A.
Mason, Howard F.
Upton, Barbara Allen

Dodge, Emma M.
Gerow, Sezen M.
Hall, Betty B.
Jenkins, Mary
Lawrence, Eva M.
Pappas, Toni
Vanderlosk, Stanley R.

MERRIMACK

Bardsley, Elizabeth S.
Daneault, Gabriel
Lockwood, Robert A.
Wallner, Mary Jane

Boucher, Laurent J.
Fraser, Leo W., Jr.
Phelps, James D.
Whittemore, James A.

Carter, Susan D.
Gross, Caroline L.
Smith, Gerald R.

ROCKINGHAM

Bell, Juanita
Gourdeau, Raymond H.
Skinner, Patricia M.

Blanchard, MaryAnn N.
Kane, Cecelia D.
Sytek, Donna

Caswell, Albert, Jr.
Seward, Russell G.

STRAFFORD

Appleby, James E.
Merrill, Amanda
Vincent, Francis C.

Burton, Wayne M.
Scharff, Thomas Edward
Wheeler, Katherine Wells.

Gilmore, Gary
Swope, Warren L.

and the bill was Laid on the Table.

Reps. Dickinson and Hoar wished to be recorded in favor of the motion.

HB 390-FN-A, funding a study of the laws relating to New Hampshire retirement system investment and audit practices. **OUGHT TO PASS WITH AMENDMENT.**

This bill, in its original form, would have established a special study committee and appropriated money for Committee expenses. When it was re-referred, it was with the understanding that Executive Departments and Administration, rather than a special committee, would do the study without any appropriation. This has been done, and the amendment, replacing the original bill, is the Committee's recommendation resulting from the study.

The amended bill revises the statutory requirements for New Hampshire Retirement System investments, deleting the reference to insurance company investment limitations and other detailed requirements, and inserting instead a broader but no less strict standard: the "prudent investor rule." The broader standard is needed to assure that the system can continue to meet its important investment objectives in difficult times that are likely to come. It is largely derived from federal standards that now apply to private pension plans.

The amended bill also requires rulemaking, within one year, on the establishment of investment guidelines and selection of investment managers, and also on a Retire-

ment System Code of Ethics. Finally, it requires that the Retirement System funds be audited annually. The audit is normally conducted by the Legislative Budget Assistant, but if LBA is unable to do so then the trustees are directed to obtain an outside audit. Vote 13-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the New Hampshire retirement system investment practices.

Amend the bill by replacing all after the enacting clause with the following:

1 Management of Funds. RSA 100-A:15 is repealed and reenacted to read as follows:

100-A:15 Management of Funds.

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall have full power to invest and reinvest such funds. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments. All of the assets and proceeds, and income therefrom, of the New Hampshire retirement system, and all contributions and payments made thereto, shall be held, invested or disbursed in trust solely in the interest of the members and beneficiaries of the system for the exclusive purpose of providing those benefits and defraying those reasonable administrative expenses provided for under this chapter. In the management, investment and reinvestment of system assets so held in trust hereunder, the system's board of trustees shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion and intelligence, acting in a like capacity and familiar with such matters, would use in the conduct of a pension plan of like character and with like aims as the system, and by diversifying investments of the system so as to minimize the risk of large losses to the trust fund.

II. The board of trustees shall:

(a) Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.

(b) Have the further authority to hire investment counsel. The compensation for investment counsel services and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100-A:14 shall be a charge upon the funds of the New Hampshire retirement system.

(c) Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as a agent of the board, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

(d) Have the full power and authority to delegate to any agent within or without the state, who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the board of trustees of the New Hampshire retirement system. The board of trustees shall have the power to authorize the payment of compensation to an agent or agents for management services.

III. Except as otherwise provided in this section, no trustee and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee or employee of the board, directly or indirectly, for himself or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IV. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and, with the approval of the attorney general, to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

V. The board of trustees, not later than June 30, 1991, shall adopt rules pursuant to RSA 541-A relative to the following:

(a) Procedures to be followed in establishing and modifying investment objectives and guidelines, and in selecting investment managers, investment products and investment participations.

(b) A code of ethics applicable to the trustees, staff employees, outside service providers, professional advisors and consultants of the New Hampshire retirement system; provided, however, that if the legislature enacts a retirement system code of ethics in either its 1990 session or its 1991 session, then such code shall not be required as an administrative rule.

VI. The funds of the New Hampshire retirement system shall be audited annually. If the legislative budget assistant declines to conduct such audit the board is authorized and directed to engage the services of an independent outside auditor, and the cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.

2 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill makes changes in the requirements for the management of the funds of the New Hampshire retirement system by its board of trustees relative to the investment practices to be followed.

Rep. Richard Campbell yielded to questions.

Rep. Powers spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HB 696-FN, to define public safety hazardous duty employees for New Hampshire retirement system purposes. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This bill places Probation/Parole Officers in Group II retirement. Probation/Parole Officers' duties and certification by the Commissioner of Corrections and the Police Standards and Training Council fully qualify these positions for Group II retirement. Vote 14-2. Rep. John A. King for the Majority of Executive Departments and Administration.

MINORITY: A probation/parole officer supervises offenders on probation/parole, enforces compliance with their release requirements, including court-ordered victim restitution and other special conditions; makes recommendations and reports to the

courts and Parole Board for disposition of offenders including alternatives to confinement; and encourages self-improvement on the part of probationers and parolees.

A police officer is empowered by state statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury and to prevent and detect crimes; has the power to arrest; has undergone on-the-job training and a course of instruction and study which typically includes physical training, self-defense, firearms, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics.

Probation and parole officers do not meet the requirements to be police officers and do not meet the requirements for group II retirement. The majority amendment has not had a public hearing. Reps. Kenneth J. MacDonald and Beverly A. Gage for the Minority of Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to include probation and parole officers in group II of
the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Certification of Correctional Line Personnel. Amend RSA 100-A:1, VII(b)(2) to read as follows:

(2) As a job requirement are fully certified as correctional personnel by the commissioner of corrections *and by the police standards and training council* after successful completion of a course of training approved by the police standards and training council; and

2 New Subparagraph; Probation and Parole Officers Included in Definition of Permanent Policeman. Amend RSA 100-A:1, VII by inserting after subparagraph (c) the following new subparagraph:

(d) A probation or parole officer employed fulltime in the division of field services of the department of corrections who:

(1) Has close and immediate contact with felons on a regular basis;

(2) Is responsible for the prevention, detection or prosecution of crime and the enforcement of the laws of the state, the orders of the court, and the conditions imposed on probationers and parolees by the court;

(3) Has full arrest powers of all probationers and parolees as provided in RSA 504-A;

(4) Has the power to search the residence of a probationer or parolee;

(5) Has close contact with felons prior to sentencing when preparing a pre-sentence investigation that includes a disposition recommendation for the court, which investigation may be conducted in the felon's residence, in state or county correctional facilities, in drug centers, or elsewhere;

(6) Has responsibility to return to the courts or to the parole board those felons who violate conditions of probation or parole;

(7) Has responsibility for the intrastate and interstate transportation of fugitive felons;

(8) Is aware that all parolees have served time in prison, and that many probationers have served time in state or county correctional facilities or are on a suspended commitment sentence;

(9) As a job requirement, is fully certified as a probation or parole officer by the commissioner of corrections and by the police standards and training council after successful completion of a training program, including the use of weapons, approved by the police standards and training council; and

(10) As a job requirement, meets all physical, mental, educational, and other qualifications for continuing certification as a probation or parole officer that may be established by the certifying authority.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill adds probation and parole officers to the definition of "permanent policeman" under RSA 100-A in order to include them as group II members in the New Hampshire retirement system.

The bill also requires correctional line personnel to be certified by the police standards and training council.

Rep. Ward spoke against the amendment.

Rep. John King spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Rep. Jasper moved that the words Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass with Amendment.

Reps. Kenneth MacDonald and William Boucher spoke in favor of the motion.

Reps. Hawkins and Maurice MacDonald spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 205

NAYS 133

YEAS 205

BELKNAP

Bolduc, Dennis R.
Pearson, Ralph W.
Rosen, Ralph J.

Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.

Maviglio, Steven R.
Rice, Thomas, Jr.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Kenneth A.
Grodin, Richard A.
LaMar, David M.
Pearson, Gertrude B.
Young, David A.

Crutchley, Donald O.
Hill, Douglas E.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Merrill, Gerald

Dumont, Robert E.
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Christy, C. Dana
Larson, Nils H., Jr.

Bennett, Shirley M.
Driscoll, William J.
Markley, J. Keith

Brown, Channing T.
Hill, Richard L.
Nordgren, Sharon

Rose, William B.
Stewart, Roger
Wadsworth, Karen O.

Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

Shackett, Ralph E.
Townsend, Howard C.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Beaupre, Roland O.
Bowers, Dorothy C.
Desrochers, Gerard T.
Elliott, Larry G.
Haettenschwiller, A. A.
Holden, Carol H.
Jasper, Shawn N.
Klose, John F.
Lachut, Ervin R.
Lefebvre, Roland J.
Mason, Howard F.
McNerney, Daniel P.
Ouellette, Robert O.
Pepino, Leo P.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Young, Willard N.

Alukonis, David J.
Barry, Janet Gail
Bicknell, Robert C.
Cowenhoven, Garret P.
Dodge, Emma M.
Foote, Herbert N., Sr.
Hall, Betty B.
Hultgren, David D.
Keefe, Edmund M.
Kress, Gloria W.
Lawrence, Eva M.
Lown, Elizabeth
McCann, Bonnie Lou
McRae, Karen
Packard, Bonnie B.
Perham, Lester R.
Riley, Frances L.
Steiner, Lee Anne
Tyree, Paul M.
Wheeler, David K.

Amidon, Eleanor H.
Barry, Vivian
Boucher, Lionel R.
Cox, Gladys M.
Domaingue, Jacquelyn
Goulet, Maurice E.
Hanselman, Gregory L.
Hunter, Bruce F.
Kelley, Robert N.
Kurk, Neal M.
Lawrence, Norman B.
Lozeau, Donnalee
McDowell, James E.
Messier, Irene M.
Paquette, Rodolphe G.
Record, Alice Barnard
Sallada, Roland A.
Stiles, Walter A.
Upton, Barbara Allen
Wright, George W.

MERRIMACK

Barberia, Richard A.
Carter, Susan D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Jacobson, Alf E.
Lewis, Mary Ann
Stio, Peter M.
Whittemore, James A.

Bennett, J. Allen
Daneault, Gabriel
Gilbreth, Robert M.
Hayes, Robert C.
Johnson, C. William
Nichols, Avis B.
Teague, Bert

Boucher, Laurent J.
Fair, Patricia A.
Hager, Elizabeth
Hill, Michael
Kidder, William F.
Smith, Gerald R.
Tolpin, Richard W.

ROCKINGHAM

Blanchard, MaryAnn N.
Buco, Stephen
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Flanders, Harry E.
Gage, Beverly A.
Haynes, Richard L.
Katsakiores, George N.
McCain, William F.
Parr, Ednappearl F.
Raynowska, Bernard J.

Boucher, William Paul
Campbell, Eunice M.
Cooke, Annette M.
Fesh, Robert M.
Ford, Bert H.
Gourdeau, Raymond H.
Hoar, John, Jr.
Magoon, Harold F.
McCarthy, John James, Jr.
Parsons, Robert F.
Ritzo, Eugene

Brown, Lewis W.
Caswell, Albert, Jr.
Cote, Patricia L.
Flanagan, Natalie S.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Malcolm, Kenneth W.
McKinney, Betsy
Popov, Elizabeth M.
Schmidtchen, Rowland

Seward, Russell G.
 Sochalski, Matthew M.
 Vaughn, Charles L.

Sherburne, John L.
 Splaine, John E., Sr.
 Warburton, Calvin

Simon, Peter M.
 Tufts, J. Arthur

STRAFFORD

Appleby, James E.
 Flynn, Anita A.
 Frechette, Roland A.
 Marston, Robert E.
 Sullivan, Henry P.
 Tsiros, William

Bickford, Drucilla
 Flynn, Edward J.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Swope, Warren L.
 Vincent, Francis C.

Dionne, Albert J.
 Foss, Patricia H.
 Lachance, Douglas
 Pelley, Janet R.
 Torr, Ralph W.
 Young, John B.

SULLIVAN

Burling, Peter Hoe
 Hinrichsen, Keith
 Schotanus, Merle W.

Domini, Irene C.
 Lucier, Edward A., Jr.

Flint, Gordon B.
 Middleton, John A.

NAYS 133 BELKNAP

Campbell, Richard H., Jr.
 Hawkins, Robert S.
 Salatiello, Thomas

Golden, Paul A.
 Locke, Matthew J.
 Ziegra, Alice S.

Hardy, Earle D.
 Richardson, Lawrence

CHESHIRE

Barber, Robert E., Jr.
 Eaton, Daniel Adams
 Laurent, John J.
 Spear, Susan

Cole, Stacey W.
 Foster, Katherine Davis
 Matson, William R.

Doucette, Richard F.
 Gordon, Irvin H.
 Pratt, Irene A.

COOS

Burns, Harold W.
 Kilbride, Dennis J.
 Nelson, Harold D.

Guay, Lawrence J.
 Lemire, George
 Theriault, Romeo J.

Horton, Lynn C.
 Mayhew, Josephine
 Woodburn, Jeffrey R.

GRAFTON

Bean, Pamela B.
 Densmore, Edward D.
 LaMott, Paul I.

Chambers, Mary P.
 Dow, David
 Weymouth, Philip H.

Copenhaver, Marion L.
 Guest, Robert H.
 Whitcomb, Henry F., Jr.

HILLSBOROUGH

Baldizar, Barbara J.
 Burkush, Peter
 Donovan, Francis X.
 Dube, Ellen C.
 Dykstra, Leona
 Flood, Jacqueline J.
 Gerow, Sezen M.
 Harlan, Susan N.
 Johnson, Lionel W.
 Morrisette, Roland
 O'Rourke, JoAnne A.
 Prestipino, Bartolo V.
 Schneiderat, Catherine

Bourque, Ann J.
 Cote, David E.
 Drabinowicz, A. Theresa
 Dwyer, Patricia R.
 Emerton, Lawrence
 Ford, Nancy M.
 Green, Scott E.
 Jean, Romeo W.
 King, John A.
 Murphy, Robert E.
 Pappas, Toni
 Reidy, Frank J.
 Toomey, Daniel

Brady, Carolyn L.
 Desrosiers, William J.
 Drolet, Paul L.
 Dyer, Merton S.
 Fields, Dennis H.
 Frank, Nancy G.
 Gureckis, Adam C., Sr.
 Jenkins, Mary
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Pignatelli, Debora B.
 Robinson, Ellen-Ann
 Turgeon, Roland M.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy
 Gross, Caroline L.
 Pantzer, Eugene
 Soldati, Jennifer

Apple, Lowell D.
 Dunn, Miriam
 Lockwood, Robert A.
 Phelps, James D.
 Wallner, Mary Jane

Bardsley, Elizabeth S.
 Fillion, Paul R.
 Millard, Elizabeth S.
 Shaw, Randall F.

ROCKINGHAM

Anderson, Carl F., III
 Conroy, Janet M.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 Remick, Barbara R.
 Skinner, Patricia M.
 Welch, David A.

Bell, Juanita
 Flanders, John W., Sr.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Joseph A.
 Micklon, Stephanie K.
 Rosencrantz, James R.
 Sytek, Donna
 Wright, David B.

Brown, Jeffrey M.
 Gage, Thomas U.
 Kane, Cecelia D.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Palazzo, Frank J., Sr.
 Senter, Marilyn P.
 Weddle, Michael Rodney

STRAFFORD

Burton, Wayne M.
 Merrill, Amanda
 Parks, Joe B.
 Stewart, Glenn W.

Gilmore, Gary
 Musler, George T.
 Scharff, Thomas Edward
 Torr, Ann M.

Kinney, Paula J.
 O'Brien, John
 Spencer, Leo J.
 Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
 Peyron, Fredrik
 and the resolution was adopted.

Krueger, Richard H.
 Rodeschin, Beverly T.

MacAskill, Kenneth M.
 Stamatakis, Carol M.,

Substitute report adopted.

HB 95-FN, relative to eligibility criteria for AFDC recipients. **OUGHT TO PASS WITH AMENDMENT.**

This bill amends the eligibility criteria of the state's AFDC program by providing eligibility to families where the child has been deprived of parental support because of unemployment of the principal wage earner. The Appropriations Committee referred the bill to the policy Committee because of the October 1, 1990 effective date, and to get a more up-to-date fiscal note. The policy Committee has received the new fiscal impact based on the current AFDC caseload and approves this bill with an amendment to add an appropriation as requested by the Appropriations Committee. Vote 16-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation. In addition to any other sums appropriated, the sum of \$510,980 from federal funds and the sum of \$510,980 from general funds are appropriated for the fiscal year ending June 30, 1991, to the division of human services, department of health and human services, for the purpose of funding the new category of assistance created pursuant to RSA 167:6, V as amended by section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 1 of this act shall take effect October 1, 1990.

II. Section 2 of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill amends the eligibility criteria of the state's AFDC program by providing eligibility to families where the child has been deprived of parental support and care by reason of the unemployment of his or her parent who is the principal wage-earner.

The bill makes an appropriation in order to fund this new category of AFDC assistance.

The bill was requested by the division of human services, department of health and human services.

Amendment adopted.

Referred to Appropriations.

HB 426-FN-A, establishing the New Hampshire poison information center and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The Committee expressed strong concern for adequate information when confronted with poison ingestion. Due to many other health needs, the majority of the Committee believes that local hospitals do honor information calls and the state can no longer "be all things to all people." Vote 12-4. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

Resolution adopted.

HB 194-FN, relative to the award of interest in workers' compensation cases. **INEXPEDIENT TO LEGISLATE.**

House Bill 194 was addressed in HB 681, which was a compromise bill that represented all sides (now Chapter 294, Laws of 1989). Vote 9-2. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Rep. Guay explained the Committee reports on all of the Workers' Compensation bills.

Resolution adopted.

HB 195-FN, relative to eligibility for disability payments to injured workers. **INEXPEDIENT TO LEGISLATE.**

House Bill 195 was addressed in HB 681, which was a compromise bill that represented all sides (now Chapter Law 294). Vote 8-3. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 196-FN, relative to compensation for temporary partial disability under workers' compensation. **INEXPEDIENT TO LEGISLATE.**

House Bill 195 was addressed in HB 681, which was a compromise bill that represented all sides (now Chapter 294, Laws of 1989). Vote 7-4. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 281-FN, relative to third party recoveries in workers' compensation. **INEXPEDIENT TO LEGISLATE.**

House Bill 281 was addressed in HB 681, which was a compromise bill that represented all sides (now Chapter 294, Laws of 1989). Vote 10-1. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 283-FN, relative to permanent impairment awards under workers' compensation. **INEXPEDIENT TO LEGISLATE.**

House Bill 283 was addressed in HB 681, which was a compromise bill that represented all sides (now Chapter 294, Laws of 1989). Vote 9-2. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 284-FN, relative to co-employee liability under workers' compensation. **INEXPEDIENT TO LEGISLATE.**

House Bill 283 was addressed in HB 681, Chapter 294, Laws of 1989. Vote 10-1. Rep. George W. Wright for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 297-FN, relative to workers' compensation for part-time police officers. **INEXPEDIENT TO LEGISLATE.**

This bill was pending the outcome of HB 681, now Chapter 294, Laws of 1989. Therefore, it is not needed. Vote 9-2. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 265-FN-A, relative to telephone and telegraph company taxes. **REFER FOR INTERIM STUDY**

The passage of this bill will cost the state \$800,000 a year in lost revenue. It is the intent of the Committee to correct the inequities of the current law in a bill being considered in the 1990 session. This bill would decrease state revenues by \$800,000 in FY90 and in each of the fiscal years thereafter. Vote 13-3. Rep. Garret P. Cowenhoven for Ways and Means.

Report adopted.

HB 382-FN-A, to tax the removal of natural resources in municipalities and unorganized places and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This bill was referred to the Ways and Means Committee after an Environment and Agriculture Committee amendment was adopted by the House. As it came to Ways and Means, the bill proposed a 10 cents per ton severance tax on earth products, including sand and gravel, to be administered by the Department of Revenue Administration. Ways and Means felt a new tax would be inappropriate and that the existing Property Tax law already provided for a tax on such earth products. This law is largely unenforced, as no generally accepted earth products assessment procedure exists. The bill, as amended by Ways and Means, remedies that problem by establishing a uniform assessment procedure. Municipalities will administer the new procedure and keep any additional revenue that results. It is estimated that this would have been \$164,800 for 1988. The Fiscal Note calls for state expenditures of \$92,022 for the biennium ending June 30, 1991. The Committee amendment decreases State expenditures to zero. Vote 19-0. Rep. Neal M. Kurk for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to establish a procedure to assess earth products for real estate taxation purposes.

Amend the bill by replacing all after the enacting clause with the following:

1 Taxing Earth Products. RSA 72:13 is repealed and reenacted to read as follows:
72:13 Earth Products.

I. As used in this section:

(a) "Owner" means the person on whom, under paragraph II, the tax imposed by paragraph VII is levied.

(b) "Earth products" means ores, sand, aggregate, gravel, loam, rock, soil, silt, peat, diatomite, bedrock, and all other substances taken from the earth.

(c) "Real estate" means any area of contiguous land in common ownership or control upon which excavation of earth products takes place.

(d) "Tax year" means the period from April 1 of any year through March 31 of the following year, inclusive.

II. Real estate shall be taxed independently of any earth products contained therein, until the earth products shall become a source of profit. When earth products or rights therein are owned by a person other than the one to whom the real estate is taxed, the earth products shall be taxed as real estate to the other person.

III. For purposes of paragraph II, an earth product shall become a source of profit at the time it is first moved for any commercial purpose, but excluding any earth product permanently redistributed on the premises.

IV. Prior to the time in any tax year that any earth product shall be first moved for any commercial purpose, the owner shall file with the proper assessing officials in the city or town where the real estate is located, or with the assessing officials of the county in the case of unincorporated towns and unorganized places, a notice of intent to move earth products provided by the commissioner of revenue administration, stating his name, residence, location and estimate of the quantity of each type of earth product to be moved, and such other information, including a survey and soils data, as the commissioner may require; provided, however, that no data, including a survey and soils data, necessitating additional expense by the owner shall be required where the total quantity of earth products to be moved is less than 1,000 tons. A supplemental notice of intent to move earth products shall be filed in the same manner for any additional volume or type of earth product to be moved in excess of the original estimate and within the same tax year.

V. Upon receipt of a copy of a notice of intent to move earth products, the assessing officials of the city, town, or county shall assign an operation number and furnish without cost to the owner a certificate and report of earth products moved form. Such certificate shall be posted by the owner in a conspicuous place within the area of excavation for each operation within a city or town. If the owner or any other person moves or expands the movement of earth products before the original or supplemental notice of intent has been filed with the assessing officials he shall be guilty of a misdemeanor, and such action by the owner or any other person, or both, shall be considered just cause for abating the operation until such requirements have been complied with.

VI. Every owner who has filed a notice of intent to move earth products as provided in paragraph IV shall make, under the penalties of perjury, and file with the assessing officials a report of all earth products moved within 60 days after comple-

tion of an operation. The assessing officials may require that the report be filed immediately upon the completion or termination of the operation. The report shall be on a form provided by the commissioner of revenue administration and shall contain the owner's name, residence, location and quantity of each type of earth product moved, and such other information as the commissioner may require to enable the assessing officials to locate, identify, verify and determine the full amount and value of all earth products moved on the operation for which the report is filed; provided, however, that no data, including a survey and soils data, necessitating additional expense by the owner shall be required where the quantity of all earth products moved is less than 1,000 tons. The assessing officials shall send one copy of the report of earth products moved to the office of state planning. A report of operations still in progress through March 31 of any year shall be filed not later than April 15 of said year for all earth products moved during the tax year up to and including March 31. A person who fails to file a report of earth products moved with the proper assessing officials shall be guilty of a misdemeanor. Any owner who falsifies a report of earth products moved or any person verifying false figures on a report of earth products moved shall be guilty of a misdemeanor.

VII. When an earth product becomes subject to real estate taxation under this section, its assessment for real estate taxation purposes shall be calculated by multiplying:

(a) the quantity of the earth product moved as set forth in the report of earth products moved, by

(b) the in-ground fair market value of the earth product, determined by the assessing officials in the same manner as other property values for the purposes of real estate taxation, which may include a value in the range of in-ground fair market values as determined by the department of revenue administration for the region of the state in which the earth product is located, by

(c) the local equalized valuation ratio, as determined by the department of revenue administration; provided, however, that the first 100 tons of all earth products moved in any tax year on a parcel of real estate shall be exempt from the tax imposed by this section.

VIII. Assessments under this section shall be determined and administered and the taxes thereon collected by and for the use and benefit of the city or town in which real estate is located, or by and for the use and benefit of the county in the case of unincorporated towns and unorganized places; provided, however, that if the real estate is owned by the United States of America, the state of New Hampshire, or by a city, town, or county, in the case of unincorporated towns and unorganized places, the earth products contained therein shall be exempt from assessment and taxation unless the earth products or the rights to them are owned by another person, in which case the earth products shall be subject to the provisions of this section, and any taxes collected on the earth products shall be remitted to the political subdivision of the state.

IX. Any owner aggrieved by the real estate taxes assessed under this section may request an abatement of taxes under RSA 76:16 or 76:16-a.

X. The assessing officials shall enforce this section and may enter upon any real estate for which an intent to move earth products or a certificate to operate has been issued pursuant to this section, and may enter upon any real estate that it reasonably believes may have an operation in violation of this section. The assessing officials may

also review any records in conjunction with any earth product operation in the political subdivision.

2 Rulemaking Authority. Amend RSA 21-J:13 by inserting after paragraph VIII the following new paragraph:

IX. Administering the taxation of earth products under RSA 72:13.

3 Effective Date. This act shall take effect 60 days after its passage, and shall apply to the property tax year beginning April 1, 1991.

AMENDED ANALYSIS

This bill amends RSA 72:13, relative to taxing real estate separately from the earth products which it contains. "Earth products" are defined as ores, sand, aggregate, gravel, loam, rock, soil, silt, peat, diatomite, bedrock, and all other substances taken from the earth. Real estate is taxed independently of earth products until the earth products become a source of profit.

The bill establishes a formula to assess earth products for real estate taxation purposes when the earth product becomes subject to taxation. Assessments on earth products are collected by and for the use of the political subdivision of the state in which the real estate is located.

Amendment adopted.

Ordered to third reading.

HB 705-FN, relative to drug-free school zones and increasing penalties for drug offenses. **OUGHT TO PASS WITH AMENDMENT.**

This bill has been amended to contain only the drug-free school zones. The education and rehabilitation portion of the original bill have been addressed in a new bill. The drug-free school zone is similar to existing legislation in New Jersey and Louisiana. A zone of 1,000 feet will be created around all private and public elementary, secondary, or secondary vocational technical schools in New Hampshire. Buses and non-school owned property used for school purposes will also be included. Penalties will be increased within the zone. Vote 11-0. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to drug-free school zones.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Drug-Free School Zones. Amend RSA by inserting after chapter 193 the following new chapter:

CHAPTER 193-A

DRUG-FREE SCHOOL ZONES

193-A:1 Definitions. In this chapter:

I. "Controlled drug or its analog" means those drugs or substances included within the definitions provided in RSA 318-B:1, VI and VI-a.

II. "Drug-free school zone" means an area inclusive of any property used for school purposes by any school, whether or not owned by such school, within 1,000 feet of any such property, and within or immediately adjacent to school buses.

III. "School" means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire.

IV. "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

193-A:2 Drug-Free School Zones. It shall be unlawful for any person to manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense, or compound any controlled drug or its analog, within a drug-free school zone at any time of the year.

193-A:3 Maps of Drug-Free Zones. Each school administrative unit within the state shall, in consultation with the local police authority having jurisdiction over drug enforcement where each drug-free zone is located, publish a map clearly indicating the boundaries of each permanent drug-free zone in accordance with the provisions of RSA 193-A:1, II. Such map shall be posted in a prominent place in the district or municipal court of jurisdiction, the local police department, and in all schools existing in the drug-free zone.

193-A:4 Rulemaking; Notice; Posting. The department of education, in consultation with the New Hampshire Police Chiefs' Association, shall adopt rules pursuant to RSA 541-A relative to:

I. Developing a procedure by which to mark drug-free zones, including the use of signs or other markings as appropriate. Such signs or other markings shall:

(a) Be posted in a prominent place:

(1) on or near each school;

(2) in and on each school bus; and

(3) on or near non-school-owned property serving as a temporary drug-free zone by virtue of its use for school purposes, for the duration of such use;

(b) Indicate that the posted area is a drug-free zone which extends to 1,000 feet surrounding such property; and

(c) Warn that violation of this chapter shall subject the offender to severe penalties under the law.

II. Assisting each school administrative unit in providing for the posting required in this section.

193-A:5 Toll-Free Hotline; Rulemaking; Local Hotlines; Notice.

I. There is hereby established a toll-free statewide hotline for the purpose of reporting anonymous information on drug activity to local law enforcement agencies. The department of safety shall coordinate and adopt rules pursuant to RSA 541-A for the establishment and operation of the hotline.

II. The toll-free statewide telephone number established under paragraph I shall be displayed in the drug-free zone signs developed and posted pursuant to RSA 193-A:4, I. If a local police hotline telephone exists in a community, such telephone number shall be posted on relevant signs in lieu of the toll-free statewide telephone number.

193-A:6 Penalties.

I. It shall be a misdemeanor for any person to cover, remove, deface, alter or destroy any sign or other marking identifying a drug-free zone as provided in RSA 193-A:4, I, and, notwithstanding the provisions of RSA 651:2, II(c), shall be punishable by a jail sentence of not more than 6 months.

II. Except as provided in paragraph I, any person who violates the provisions of this chapter shall be sentenced to not less than one-half nor more than the maximum term of imprisonment, or the maximum fine, or both, as those authorized by the provisions of RSA 318-B:26.

III. Lack of knowledge that the prohibited act as defined in RSA 193-A:2 occurred on or within 1,000 feet of school property shall not be a defense.

IV. A violation of RSA 193-A:2 shall not include an act which occurs entirely within a private residence wherein no person 17 years of age or under is present.

2 Selling Drugs Near Schools; Penalty Increased. RSA 318-B:26, V is repealed and reenacted to read as follows:

V. As provided in RSA 193-A, any person who manufactures, sells, prescribes, administers, dispenses, or possesses with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within a drug-free zone as defined in RSA 193-A:1, II surrounding property as defined in RSA 193-A:1, IV relative to any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire and at any time of the year, shall be sentenced to not less than one-half nor more than the maximum term of imprisonment, or the maximum fine, or both, as those authorized by this section.

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of education for the purposes of funding the manufacturing and posting of drug-free school zone signs as provided in RSA 193-A:4, I in section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of safety for the purposes of funding the establishment of a toll-free statewide drug activity reporting hotline as provided in RSA 193-A:5, I in section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill formally establishes drug-free school zones in the state and defines such a zone as an area within 1,000 feet of any property used for school purposes by any school, whether or not owned by such school, and within or immediately adjacent to school buses, in which it is unlawful for any person to manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense, or compound any controlled drug or its analog, at any time of the year.

The bill is based on the drug-free school zone programs currently in effect in New Jersey and Louisiana.

Amendment adopted.

Rep. Nordgren offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to drug-free school zones and making
appropriations therefor.

Amend RSA 193-A:6, II-IV as inserted by section 1 of the bill by replacing them with the following:

II. Lack of knowledge that the prohibited act as defined in RSA 193-A:2 occurred on or within 1,000 feet of school property shall not be a defense.

III. A violation of RSA 193-A:2 shall not include an act which occurs entirely within a private residence wherein no person 17 years of age or under is present.

Amend the bill by replacing section 2 with the following:

2 Selling Drugs Near Schools; Mandatory Penalty. RSA 318-B:26, V is repealed and reenacted to read as follows:

V. Any person who violates this chapter by manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1000 feet of the real property comprising a public or private elementary, secondary, or secondary vocational technical school, may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section. Except to the extent a greater minimum sentence is otherwise provided by this chapter, a sentence imposed under this paragraph shall include a mandatory minimum term of imprisonment of not less than one year. Neither the whole nor any part of the mandatory minimum sentence imposed under this paragraph shall be suspended or reduced.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1991.

Amendment adopted.

Referred to Appropriations.

HB 363-FN, prohibiting the use of steel leg traps in the state. OUGHT TO PASS WITH AMENDMENT.

The amendment to HB 363 requires that any person more than 16 years of age engaging in the activity of trapping either complete a trapper education course or have a valid trapping license. Vote 15-0. Rep. David M. Scanlan for Fish and Game.

Amendment

AN ACT

relative to the issuing of trapping licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Issuing of Trapping Licenses. Amend RSA 214 by inserting after section 11-a the following new section:

214:11-b Requirements for Issuance of a Trapping License.

I. No trapping license shall be issued to any resident or non-resident person unless he presents to the person authorized to issue such license either:

(a) A certificate of competency as provided by RSA 210:25; or

(b) Satisfactory proof that he has successfully completed a trapper education course in any other state, province or country which is equivalent to the course as established by RSA 210:25; or

(c) Satisfactory proof that he has previously held a trapping license issued to him in this state, any other state, province or country.

II. In addition to penalties provided for in this chapter, the executive director may require a person in violation of this section or the trapping laws of the state to take the trapper education course established in RSA 210:25 as a condition to retain or reinstate a trapping license.

2 Exception. Amend RSA 214:2 to read as follows:

214:2 License Required; Exception. The provisions of RSA 214:1 shall not apply to resident owners of farmlands and their minor children while upon their own land, to persons fishing in ponds operated and maintained by a duly licensed fish or game

breeder, to resident children under 16 years of age while fishing, [or] to resident children under 16 years of age while hunting when accompanied by a licensee 18 years of age or over *or to resident children under 16 years of age while trapping when accompanied by a licensee 18 years of age or over*. Fishing licenses may be issued without charge to resident blind persons, but no hunting licenses shall be issued to blind persons. A fishing license issued to a resident blind person shall be effective during the remainder of his life unless sooner suspended or revoked by the executive director.

3 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires a person to satisfy specified requirements to receive a trapping license in the state.

The bill also exempts a person under 16 years of age while trapping when accompanied by a licensee 18 years of age or over, from the requirement of a trapping license.

Rep. Janet Barry moved that HB 363 be made a Special Order for Tuesday, January 9 and spoke to her motion.

Rep. Perham spoke in favor of the motion.

Motion adopted.

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This bill requires the Division of Human Services to review and adopt rules relative to the standard of need for community living homes on an annual basis. It also defines what an "enhanced care home" is. It is cost-effective because bills will not have to be introduced each session for changes. It will save time for department people and also for the Committees for hearing. Above this, it is fair to everyone who provides care for people in their homes. Vote 16-0. Rep. Alice Tirrell Knight for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Community Living Homes Added. Amend RSA 167:3-c, II-b to read as follows:

II-b. The standard of need for residential care facilities *and community living homes* under RSA 167:7, I-a no later than November 1, 1988, and on an annual basis thereafter.

2 New Paragraph; Amount of Assistance. Amend RSA 167:7 by inserting after paragraph I-a the following new paragraph:

I-b. Notwithstanding paragraph I-a, the standard of need for enhanced family care facilities shall be set at the same rate as residential care facilities. For purposes of this paragraph "enhanced family care" means an owner-occupied community living home for 3 or fewer persons who have a developmental disability or a mental illness.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill requires the division of human services to review and adopt rules relative to the standard of need for community living homes on an annual basis.

The bill also requires that as of July 1, 1991, the standard of need for enhanced family homes, with 3 or fewer residents, shall be set at the same rate as residential care facilities.

Rep. Pappas yielded to questions.

Amendment adopted.

Referred to Appropriations.

HB 756-FN, relative to a housing appeals board and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The original hearing indicated, and the Committee agreed, that some municipalities did not allow full opportunity for affordable housing. The Committee was of the opinion that the provisions of HB 756 were somewhat severe, but that municipalities should be placed on notice and given the opportunity to modify their local ordinances to allow for affordable housing. At the suggestion of the sponsor, the Committee agreed that this could best be done by amending RSA 672:1, III to include a statement of purpose that it is state policy that affordable housing be available to all citizens. Vote 13-0. Rep. Roger C. King for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to cluster development and multi-family dwellings.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph: Affordable Housing. Amend RSA 672:1 by inserting after paragraph III-c the following new paragraph:

III-d. All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low and moderate income persons and families is in the best interests of each community and the state of New Hampshire, and serves a vital public need. Opportunity for development of such housing, including so-called cluster development and the development of multi-family structures, should not be prohibited or discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers;

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the declaration of purpose for the planning and zoning laws to express the need for affordable housing in the state and to discourage the use of planning and zoning laws so as to impede the development of such housing.

Rep. Grodin yielded to questions:

Mr. Speaker and Rep. Kurk, a little bit of history. One of the things that we have found very, very useful in the last several sessions is to put in the portion of the Planning and Zoning legislation, RSA 672:1, statements of policy. For example, we did that to say that planning and zoning could not interfere with agriculture. Last year, we put one in for forestry. We found that doing so would call to the attention of the local planning boards that the state really means what it says.

It's my belief, and I guess you are asking me this for the record, that what is said in this amendment, and I would like to read it if I may: "that all citizens of the State benefit from a balanced supply of housing which is affordable to persons and families

of low and moderate income.” It goes on to say that, “this is right, decent, safe, sanitary affordable housing.”

What we’re really doing is saying what has been, in my judgment and I believe in the judgment of the Municipal and County Government Committee, the state’s policy and we’re making sure that we are putting neon lights there for the benefit of the planning boards of local municipalities. So to answer your question, this does not confer any additional rights that have not been there for a long, long time. Does that answer your question?

Amendment adopted.

Ordered to third reading.

HB 409-FN, relative to licensing professional foresters. INEXPEDIENT TO LEGISLATE.

Based upon lengthy Subcommittee hearings on the need to license foresters, it was agreed that little evidence was shown that a serious problem to the general public had accrued. Landowners should exercise their responsibility to select a forester utilizing information available from county foresters and other sources. House Bill 409 would not prevent “poor” forestry practices. Enforcement of present laws is necessary to accomplish that. Vote 16-1. Rep. Stacey W. Cole for Resources, Recreation and Development.

Rep. Dickinson moved HB 409 be made a Special Order for Tuesday, January 9.

Motion adopted.

HB 685-FN, relative to tenant evictions. OUGHT TO PASS WITH AMENDMENT.

This bill revises certain statutes relating to tenant evictions. Specifically, in the notice to quit, the tenant is informed of his obligation to continue paying rent to the landlord. He is also notified of his right to contest eviction. The bill gives authority to local officials to enforce minimum habitability standards and makes technical changes in current law to remedy unsafe conditions. The tenant also is required in certain instances, to pay landlord costs for sheriff’s service. Vote 12-0. Rep. Jennifer G. Soldati for State Institutions and Housing.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Notice of Legal Rights Provision. Amend RSA 540:3 by inserting after paragraph IV the following new paragraph:

V. The notice to quit shall inform the tenant of his right to contest the eviction at a hearing in court. The notice shall advise the tenant that he is obligated to continue to pay rent and that he is not required by law to vacate the premises until ordered by a court to do so.

Amend section 2 of the bill by replacing it with the following:

2 Notice Provision. Amend RSA 540:9 to read as follows:

540:9 Payment After Notice.

I. No tenancy shall be terminated for nonpayment of rent, utility charges, or any other lawful charge contained in a lease or an oral or written rental agreement if the tenant, before the expiration of the notice, pays or tenders all arrearages plus \$15.00 as liquidated damages; provided, however, that a tenant may not defeat an eviction for nonpayment by use of this section more than 3 times in one calendar year.

II. The period for payment or tender of arrearages as described in paragraph I shall be extended until the return date specified in the landlord and tenant writ, once within one calendar year, if necessary, provided, that in addition to the liquidated damages, the tenant pays or tenders to the landlord the cost of sheriff's service of the landlord and tenant writ.

Amend section 3 of the bill by replacing it with the following:

3 Defenses to Violation of Fitness. Amend RSA 540:13-d, I(a) to read as follows:

(a) The tenant proves by clear and convincing evidence that *the landlord or his agents, or the person to whom the tenant customarily pays rent, had knowledge of the violation*[.] while *the tenant was* not in arrears in rent[. he provided notice of the violation to the person to whom he customarily pays rent]; and

Amend section 4 of the bill by replacing it with the following:

4 Defenses to Violation of Fitness. Amend RSA 540:13-d, I(b) to read as follows:

(b) The landlord *or managing agent* failed to correct the violations within 14 days of [the receipt of such written notice] *acquiring such knowledge* or, in an emergency, as promptly as conditions require; and

Amend section 5 of the bill by replacing it with the following:

5 New Section; Identifying Information. Amend RSA 540-A by inserting after section 8 the following new section:

540-A:9 Identifying Information. Every landlord shall provide each tenant, in writing, at the inception of the tenancy and as necessary to reflect changes and maintain accuracy, the following information:

I. The name and address of each record owner of the premises. If a record owner is a partnership, the name and address of the managing partner shall be provided. If a record owner is a corporation, the name and address of the registered agent or of a corporate officer shall be provided.

II. The name and telephone number of the managing agent of the premises, if any.

III. The name, address and telephone number of a person who may be contacted in event of an emergency affecting the premises, and who has authorization to make emergency repairs or take other emergency action.

Amend the bill by deleting section 6 and renumbering sections 7-9 to read as 6, 7, 8, respectively.

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires a landlord, in a notice to quit the premises, to inform the tenant of his right to contest eviction and his continued obligation to pay rent.

The bill provides the opportunity for a tenant who falls behind in rent to avoid eviction by paying the entire arrearage plus the cost of sheriff's service of the landlord and tenant writ before the eviction action is entered in court. The bill also clarifies that local officials are authorized to enforce the statutory minimum habitability standards in RSA 48-A:14 and makes technical changes in the current law authorizing the withholding of rent to remedy unsafe conditions.

Further, the bill requires certain landlords to provide identifying information to their tenants and imposes penalties for failure to provide such information.

Amendment adopted.

Ordered to third reading.

HB 318, prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton. **OUGHT TO PASS WITH AMENDMENT.**

The amendment is the bill and provides certain criteria for the Commissioner of Safety to consider in determining to grant or not to grant a petition relative to the use of ski craft on public bodies of water. Testimony at hearings must prove that ski craft are more detrimental to the environment or to the safety of persons or property than any other type of watercraft. The bill also establishes an appeals board of five members to act on appeals from decisions of the Commissioner of Safety on the use of ski craft. Vote 15-0. Rep. Roger Stewart for Transportation.

Rep. Lewis moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment.

Rep. Stacey Cole moved that HB 318 be recommitted.

Reps. Jacobson and Haynes spoke in favor of the motion.

HB 318 was recommitted to the Committee on Transportation.

HB 469, prohibiting the use or operation of ski craft on Pleasant Lake and Little Lake Sunapee in the town of New London. **INEXPEDIENT TO LEGISLATE.**

With the passage of Senate Bill 111, this problem has been resolved by the Department of Safety hearing process. Vote 15-0. Rep. Richard L. Haynes for Transportation.

Resolution adopted.

The monthly revenue report from the Committee on Ways and Means was presented by Rep. Sytek, who yielded to questions from Reps. Theriault, Jacobson and Avery.

STATE OF NEW HAMPSHIRE
WAYS AND MEANS COMMITTEE REPORT TO THE HOUSE OF REPRESENTATIVES
REVISED ESTIMATES OF UNRESTRICTED REVENUES BY FUND SOURCE

LIBAO
01/03/90

| | FY 1989 ACTUAL | FY 1990 OFFICIAL ESTIMATE | FY 1990 WAYS & MEANS REVISED ESTIMATE | INCREASE (DECREASE) | FY 1991 OFFICIAL ESTIMATE | FY 1991 WAYS & MEANS REVISED ESTIMATE | INCREASE (DECREASE) |
|----------------------------|-------------------|---------------------------------|--|------------------------|---------------------------------|--|------------------------|
| GENERAL FUND | | | | | | | |
| Beer | 12,110,244 | 12,600,000 | 12,000,000 | (600,000) | 12,600,000 | 12,000,000 | (600,000) |
| Board and Care | 14,668,795 | 15,000,000 | 15,000,000 | | 15,000,000 | 15,000,000 | |
| Business Profits Tax | 143,260,560 | 149,675,000 | 110,000,000 | (39,675,000) | 158,700,000 | 110,000,000 | (48,700,000) |
| Estate and Legacy Taxes | 30,353,772 | 32,400,000 | 28,000,000 | (4,400,000) | 34,800,000 | 28,000,000 | (6,800,000) |
| Insurance | 41,407,263 | 46,000,000 | 43,000,000 | (3,000,000) | 50,000,000 | 45,000,000 | (5,000,000) |
| Interest and Dividends Tax | 36,025,367 | 41,000,000 | 38,000,000 | (3,000,000) | 43,450,000 | 40,000,000 | (3,450,000) |
| Liquor | 51,969,020 | 55,925,000 | 55,925,000 | | 57,925,000 | 57,925,000 | |
| Meals and Rooms Taxes | 81,809,293 | 87,000,000 | 83,000,000 | (4,000,000) | 92,500,000 | 84,660,000 | (7,840,000) |
| Parks Income | 5,959,757 | 6,000,000 | 6,500,000 | 500,000 | 6,000,000 | 6,500,000 | 500,000 |
| Dog Racing | 8,304,202 | 8,325,000 | 7,725,000 | (600,000) | 8,325,000 | 7,725,000 | (600,000) |
| Horse Racing | 2,257,587 | 2,625,000 | 3,225,000 | 600,000 | 2,625,000 | 3,225,000 | 600,000 |
| Real Estate Transfer Tax | 29,678,819 | 44,025,000 | 29,000,000 | (15,025,000) | 44,750,000 | 29,000,000 | (15,750,000) |
| Telephone | 9,509,996 | 10,500,000 | 12,000,000 | 1,500,000 | 11,000,000 | 13,000,000 | 2,000,000 |
| Cigarette Tax | 31,466,260 | 35,500,000 | 37,500,000 | 2,000,000 | 35,500,000 | 36,750,000 | 1,250,000 |
| Utilities | 8,382,680 | 8,500,000 | 9,000,000 | 500,000 | 9,000,000 | 9,500,000 | 500,000 |
| Other | 32,660,970 | 38,600,000 | 37,300,000 | (1,300,000) | 37,975,000 | 37,975,000 | |
| Courts | 20,246,004 | 29,875,000 | 22,000,000 | (7,875,000) | 33,400,000 | 23,650,000 | (9,750,000) |
| Savings Bank Tax | 10,778,486 | 11,000,000 | 12,500,000 | 1,500,000 | 12,000,000 | 13,000,000 | 1,000,000 |
| Total | 570,849,075 | 634,550,000 | 561,675,000 | (72,875,000) | 665,550,000 | 572,910,000 | (92,640,000) |
| HIGHWAY FUND | | | | | | | |
| Gasoline Road Toli | 87,657,347 | 91,600,000 | 80,800,000 | (10,800,000) | 95,200,000 | 80,500,000 | (14,700,000) |
| Motor Vehicle Fees | 48,897,388 | 57,300,000 | 57,300,000 | | 59,100,000 | 59,100,000 | |
| Miscellaneous | 8,867,477 | 9,700,000 | 8,700,000 | (1,000,000) | 10,100,000 | 9,100,000 | (1,000,000) |
| Total | 145,422,212 | 158,600,000 | 146,800,000 | (11,800,000) | 164,400,000 | 148,700,000 | (15,700,000) |
| FISH AND GAME FUND | | | | | | | |
| Fish and Game Licenses | 5,315,500 | 5,300,000 | 5,550,000 | 250,000 | 5,410,000 | 5,870,000 | 460,000 |
| Fines and Penalties | 75,559 | 70,000 | 70,000 | | 70,000 | 70,000 | |
| Miscellaneous Sales | 233,974 | 150,000 | 150,000 | | 150,000 | 150,000 | |
| Indirect Costs | 64,407 | 150,000 | 150,000 | | 125,000 | 125,000 | |
| Total | 5,689,440 | 5,670,000 | 5,920,000 | 150,000 | 5,755,000 | 6,215,000 | 460,000 |

The Speaker addressed the House as follows:

Yesterday, the Governor addressed an issue that must dominate our considerations this year: how to amend the biennial budget to make up for a shortfall of revenues. Our revenues dropped far enough below expectations that we must reduce our spending levels. Pressures to increase revenues to meet state spending levels will be greater than in years past, but I know the House will act in the best interest of the state and concentrate on reducing our expenditures.

We are not alone in this financial squeeze as Rep. Sytek noted in her answer a few minutes ago. States up and down the East coast are suffering from similar problems, although to different degrees. In fact, New Hampshire may be better able to make it through these rough seas because our problems are not as severe. But that does not mean this will be an easy or a simple process.

While the Governor addressed problems only in this fiscal year, it is clear that we have a two-year problem that will require a solution for both years of the biennium. We, as a Legislature, must go forward and balance the state budget for the biennium. It is incumbent upon us to find a New Hampshire solution that fits our traditions of independence and frugality.

This will be a tough job. The Appropriations Committee has been studying the issues since November. State agency heads have submitted their suggestions for reducing their own budgets, and the Governor has submitted his. The Legislative branch is preparing its own list of reductions. Appropriations then must mold all this information into an amended budget that is in balance at the end of the biennium.

In addition to the budget, a wide variety of issues will come before us this year. A major issue will be the environment. Among the issues we will be asked to consider are regulations for water use and increased requirements to handle solid waste.

As we deliberate these and other environmental questions, I ask that you seek to find a balance between the interests of the public and the business sectors. Too much regulation on business will snarl our best efforts to make New Hampshire a welcome place for entrepreneurs. In these economic times, we want to maintain a positive image for business and for the state and local revenues they generate. On the other hand, inadequate regulation will hurt our citizens and reduce the state's appeal as a vacation destination. I call on all of you to take an even-handed approach to these important issues.

Since we are going to complete our work by the end of April, the leadership and committee chairmen have planned an active round of hearings. All money bills are expected to be out of policy committees by January 18th. All non-money bills are due from policy committees by February 8th, with crossover day planned for a week later.

Again, we will break in the middle of February for two weeks to give you time to meet family and business obligations, and to process bills as they pass between the House and Senate and to allow the staff to have the time to do that. As I said two years ago, I believe I have a constitutional responsibility to protect the volunteer nature of our citizen Legislature.

The citizen Legislature will not long survive if it takes too much time from businesses and families. I know that each of you will be devoting your time and energy to legislative duties over the next several months. You are going to be very busy, but I would like to hope that you can think of that two weeks at the end of February which will be a breathing space.

Please remember that anyone on the leadership team is available to members with concerns or questions about any legislation. Don't hesitate to contact leadership. We are here to help you and to make sure the process continues.

During my tenure as Speaker, I have made some changes in the way we do business in the House. Now, there is more support staff to assist the committees as they sort through increasingly technical information. We have provided more certainty in the legislative schedule so that our volunteer members can plan their own private time. Now, there is a more open legislative process with adequate notice of our proceedings to the public than there was before. All of these changes were made at your request, the members' request, and have benefited all of us as well as the state of New Hampshire.

Your energy and devotion to the process have made it possible to meet earlier deadlines and move the process along. For that I thank you all.

In the coming years, New Hampshire will continue to face the challenges posed by growth. I have full faith in all of you and this institution that the Legislature will be prepared to meet and answer those challenges.

I look forward with you to a very busy and productive session.

Thank you.

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, January 9 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 530-FN, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war.

HB 355, relative to the African Development Bank.

HB 612-FN, establishing a committee to study nursing home care costs paid by counties.

HBI 2002, relating to alcohol education programs for DWI offenders.

HB 596-FN, limiting personal liability of certain fire department, emergency service, and rescue squad members.

HB 563, relative to land surveyors and condominiums.

HB 730-FN, relative to local cease and desist orders for zoning, planning and code violations.

HB 756-FN, relative to cluster development and multi-family dwellings.

HB 731, dedicating the state police barracks in Milford.

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control.

HB 685-FN, relative to tenant evictions.

HB 490, establishing a speed limit on a portion of the Connecticut River and relative to ski craft hearings.

HB 631-FN, relative to railroad consolidation with other public utilities or common carriers.

HB 639-FN, relative to the disposition of acquired or abandoned rail properties.

HB 716, to codify certain boating and water safety rules.

HB 382-FN-A, to establish a procedure to assess earth products for real estate taxation purposes.

Rep Gross moved that the House adjourn.

Adopted.

The House adjourned at 4:00 p.m.

HOUSE JOURNAL No. 3

Tuesday January 9, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend Dale Edwards, First Baptist Church of Lebanon, guest of Rep. Rose.

Our Lord and Our God, in all the business of this day, between appointments and meetings, research and debate, may we in this brief moment let our minds rest upon You. May we recognize your sovereignty in all of human affairs and realize our accountability to You. May the goal of everyone here today be to provide for the common good of our state. And toward that end, O Lord, we ask that the voices of partisanship and self-interest grow faint and that personal animosities be put aside. We ask that one's position on an issue be based upon an objective evaluation, and not upon who else is for or against. In times of difficult choices, we ask for our lawmakers the gifts of wisdom and reason, for fairness and even-handedness. May all deliberations be accompanied by a great deal of listening. Help this body to make wise and just decisions. May we all be mindful that even the minutest of decisions of government are ultimately decisions of ethics. May this be a good and constructive day. In Your name, we pray. Amen.

Rep. Doucette led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cox, Gordon, Grip, Hinrichsen, Kincaid, Knight, Joseph MacDonald, Pierce, Sanderson, Wihby, and Wall, the day, illness.

Reps. Ballou, Blanchard, Lionel R. Boucher, Braiterman, Callaghan, Marilyn R. Campbell, Daigle, Millard, Phelps, Steiner, and Wallner, the day, important business.

Rep. Hager, the day, death in family.

INTRODUCTION OF GUESTS

Jennifer Jenkins, daughter of Rep. Mary Jenkins; Mrs. Kathy Scanlan, Karen Bennett and Larry Smith, guests of Rep. Scanlan; Joan Lachut, wife of Rep. Lachut; Mr. and Mrs. Frank Kozacka, guests of the Exeter Delegation; Sally LaMar, wife of Rep. LaMar; Wally Keniston, student Senator of U.N.H., guest of Rep. Elliot.

COMMUNICATIONS

Honorable W. Douglas Scamman, Jr.
Speaker of the House

Dear Mr. Speaker:

It is with deep regret that I find it necessary at this time to tender my resignation, effective immediately, as a member of the New Hampshire House of Representatives from Strafford District 9.

I have thoroughly enjoyed my return to the House during the past year, and it has been an honor and a pleasure to have worked with you and the leadership during this important period in New Hampshire's history.

Because this is such an important session, I have come to the realization that I cannot devote to the House the time and energy which my constituents in Somersworth and Dover have every right to expect.

Thank you again for your personal and political support and friendship, and best wishes in the tough days ahead to all of my colleagues in the House.

Very truly yours,

Rep. John H. Meserve, Strafford District 9.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1442, 1501, 1502, 1503, 1504 and 1505, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil. (Gilmore of Strafford Dist. 7 - To Environment and Agriculture)

HB 1501-FN-A, relative to state revenues and expenditures. (Gross of Merrimack Dist. 16 - To Appropriations)

HB 1502-FN-A, increasing the beer tax. (Gross of Merrimack Dist. 16 - To Ways and Means)

HB 1503-FN, relative to certain general fund fees and revenues, solid waste transporter permits, registration decals for docks, floats and swim rafts and certification of wastewater treatment plant operators. (Gross of Merrimack Dist. 16 - To Ways and Means)

HB 1504-FN-A, increasing the tobacco tax. (Gross of Merrimack Dist. 16 - To Ways and Means)

HB 1505-FN-A, relative to highway fund taxes and fees. (Gross of Merrimack Dist. 16 - To Public Works)

Deputy Speaker Burns called for the Special Orders:

SPECIAL ORDERS

HB 363-FN, prohibiting the use of steel leg traps in the state. **OUGHT TO PASS WITH AMENDMENT.**

The amendment to HB 363 requires that any person more than 16 years of age engaging in the activity of trapping either complete a trapper education course or have a valid trapping license. Vote 15-0. Rep. David M. Scanlan for Fish and Game.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the issuing of trapping licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Issuing of Trapping Licenses. Amend RSA 214 by inserting after section 11-a the following new section:

214:11-b Requirements for Issuance of a Trapping License.

I. No trapping license shall be issued to any resident or non-resident person unless he presents to the person authorized to issue such license either:

(a) A certificate of competency as provided by RSA 210:25; or

(b) Satisfactory proof that he has successfully completed a trapper education course in any other state, province or country which is equivalent to the course as established by RSA 210:25; or

(c) Satisfactory proof that he has previously held a trapping license issued to him in this state, any other state, province or country.

II. In addition to penalties provided for in this chapter, the executive director may require a person in violation of this section or the trapping laws of the state to take the trapper education course established in RSA 210:25 as a condition to retain or reinstate a trapping license.

2 Exception. Amend RSA 214:2 to read as follows:

214:2 License Required; Exception. The provisions of RSA 214:1 shall not apply to resident owners of farmlands and their minor children while upon their own land, to persons fishing in ponds operated and maintained by a duly licensed fish or game breeder, to resident children under 16 years of age while fishing, [or] to resident children under 16 years of age while hunting when accompanied by a licensee 18 years of age or over *or to resident children under 16 years of age while trapping when accompanied by a licensee 18 years of age or over.* Fishing licenses may be issued without charge to resident blind persons, but no hunting licenses shall be issued to blind persons. A fishing license issued to a resident blind person shall be effective during the remainder of his life unless sooner suspended or revoked by the executive director.

3 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires a person to satisfy specified requirements to receive a trapping license in the state.

The bill also exempts a person under 16 years of age while trapping when accompanied by a licensee 18 years of age or over, from the requirement of a trapping license.

Rep. Scanlan spoke in favor of the amendment and yielded to questions.

Reps. Janet Barry and Dykstra spoke against the amendment.

Rep. Perham spoke in favor of the amendment.

A roll call was called for. Sufficiently seconded.

YEAS 219

YEAS 219

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Rosen, Ralph J.

Campbell, Richard H., Jr.
Pearson, Ralph W.
Turner, Robert H.

Golden, Paul A.
Richardson, Lawrence
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Hill, Douglas E.
Morse, Jo-Ann T.

Blacketor, Paul G.
Delano, Robert F.
Hunt, John B.
Perry, David M.

Cole, Stacey W.
Grodin, Richard A.
Laurent, John J.
Sawyer, Alfred P.

COOS

Dumont, Robert E.
Lemire, George
Oleson, Otto H.

Guay, Lawrence J.
Merrill, Gerald
Theriault, Romeo J.

Horton, Lynn C.
Nelson, Harold D.
Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Brown, Channing T.
Hill, Richard L.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.

Bean, Pamela B.
Christy, C. Dana
Larson, Nils H., Jr.
Scanlan, David M.
Teschner, Douglass P.
Weymouth, Philip H.

Bennett, Shirley M.
Driscoll, William J.
Markley, J. Keith
Shackett, Ralph E.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Beaupre, Roland O.
Culbert, Patrick
Drolet, Paul L.
Fields, Dennis H.
Frank, Nancy G.
Hultgren, David D.
Jean, Romeo W.
Klose, John F.
Lawrence, Eva M.
Lefebvre, Roland J.
McNerney, Daniel P.
Morrissette, Roland
Ouellette, Robert O.
Pepino, Leo P.
Reidy, Frank J.
Sallada, Roland A.
Tarpley, Nancy L.
Tyree, Paul M.

Alukonis, David J.
Bicknell, Robert C.
Desrosiers, William J.
Dyer, Merton S.
Flood, Jacqueline J.
Goulet, Maurice E.
Hunter, Bruce F.
Keefe, Edmund M.
Kurk, Neal M.
Lawrence, Norman B.
Mason, Howard F.
McRae, Karen
Murphy, Robert E.
Pappas, Toni
Perham, Lester R.
Robinson, Ellen-Ann
Schneiderat, Catherine
Toomey, Daniel
Wheeler, David K.

Andrews, Frederick B.
Cowenhoven, Garret P.
Dodge, Emma M.
Emerton, Lawrence
Foote, Herbert N., Sr.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.
Lachut, Ervin R.
Leclerc, Charles J.
McCann, Bonnie Lou
Moore, Elizabeth A.
Nardi, Theodora P.
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Rodgers, G. Philip
Smith, Leonard A.
Turgeon, Roland M.
Young, Willard N.

MERRIMACK

Barberia, Richard A.
Bennett, J. Allen
Daneault, Gabriel
Fraser, Leo W., Jr.
Holmes, Mary C.
Lockwood, Robert A.
Shaw, Randall F.
Teague, Bert
West, George M.

Bardsley, Elizabeth S.
Boucher, Laurent J.
Dunn, Miriam
Gross, Caroline L.
Kidder, William F.
Nichols, Avis B.
Smith, Gerald R.
Tolpin, Richard W.
Whittemore, James A.

Beaton, Nancy
Carter, Susan D.
Fair, Patricia A.
Hayes, Robert C.
Lewis, Mary Ann
Pfaff, Terence R.
Stio, Peter M.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Flanders, Harry E.

Benton, Richardson D.
Buco, Stephen
Conroy, Janet M.
Fesh, Robert M.
Flanders, John W., Sr.

Boucher, William Paul
Campbell, Eunice M.
Cote, Patricia L.
Flanagan, Natalie S.
Ford, Bert H.

Forsythe, Douglas G.
 Haynes, Richard L.
 King, Roger C.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Parr, Ednapearl F.
 Remick, Barbara R.
 Seward, Russell G.
 Sytek, Donna
 Welch, David A.

Gourdeau, Raymond H.
 Hoar, John, Jr.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Parsons, Robert F.
 Schmidtchen, Rowland
 Simon, Peter M.
 Tufts, J. Arthur
 Wells, Henry E.

Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McCain, William F.
 Pantelakos, Laura C.
 Raynowska, Bernard J.
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Edward J.
 Kinney, Paula J.
 Martling, W. Kent
 Stewart, Glenn W.
 Tsiros, William

Bernard, Mary E.
 Dionne, Albert J.
 Foss, Patricia H.
 Lachance, Douglas
 Musler, George T.
 Swope, Warren L.
 Vincent, Francis C.

Bickford, Drucilla
 Flynn, Anita A.
 Frechette, Roland A.
 Marston, Robert E.
 O'Brien, John
 Torr, Ann M.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Peyron, Fredrik

Domini, Irene C.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Flint, Gordon B.
 Middleton, John A.
 Schotanus, Merle W.

NAYS 114

BELKNAP

Hardy, Earle D.
 Salatiello, Thomas

Maviglio, Steven R.
 Vogler, Charles C.

Rice, Thomas, Jr.

CHESHIRE

Cole, Kenneth A.
 Foster, Katherine Davis
 Metzger, Katherine H.
 Spear, Susan

Doucette, Richard F.
 LaMar, David M.
 Pearson, Gertrude B.

Eaton, Daniel Adams
 Matson, William R.
 Pratt, Irene A.

COOS

Brungot, Catherine V.
 Mayhew, Josephine

Buckley, C. Fitzgerald, III Kilbride, Dennis J.

GRAFTON

Adams, Carl S.
 Densmore, Edward D.
 Ward, Kathleen W.

Chambers, Mary P.
 Guest, Robert H.

Copenhaver, Marion L.
 Nordgren, Sharon

HILLSBOROUGH

Amidon, Eleanor H.
 Barry, Vivian
 Bowers, Dorothy C.
 Cote, David E.
 Donovan, Francis X.
 Dwyer, Patricia R.

Baldizar, Barbara J.
 Biondi, Christine A.
 Brady, Carolyn L.
 Desrochers, Gerard T.
 Drabinowicz, A. Theresa
 Dykstra, Leona

Barry, Janet Gail
 Bourque, Ann J.
 Burkush, Peter
 Domaingue, Jacquelyn
 Dube, Ellen C.
 Ford, Nancy M.

Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Johnson, Lionel W.
Lown, Elizabeth
O'Rourke, JoAnne A.
Record, Alice Barnard
Searles, Stanley N., Sr.
Upton, Barbara Allen

Gerow, Sezen M.
Haettenschwiller, A. A.
Healy, Daniel J.
King, John A.
McDowell, James E.
Packard, Bonnie B.
Rheault, Lillian I.
Soucy, Lillian E.
Vanderlosk, Stanley R.

Green, Scott E.
Hall, Betty B.
Jenkins, Mary
Kress, Gloria W.
Messier, Irene M.
Pignatelli, Debora B.
Riley, Frances L.
Stiles, Walter A.

MERRIMACK

Anderson, Eleanor M.
Gilbreth, Robert M.
Pantzer, Eugene

Apple, Lowell D.
Hill, Michael
Soldati, Jennifer

Fillion, Paul R.
Johnson, C. William

ROCKINGHAM

Bell, Juanita
Cooke, Annette M.
Gage, Thomas U.
Johnson, Robert A.
Katsakiores, Phyllis
Micklon, Stephanie K.
Ritzo, Eugene
Skinner, Patricia M.
Weddle, Michael Rodney

Brown, Lewis W.
Dube, LeRoy S.
Hollingworth, Beverly A.
Kane, Cecelia D.
MacKinnon, Nancy W.
Palazzo, Frank J., Sr.
Rosencrantz, James R.
Splaine, John E., Sr.

Caswell, Albert, Jr.
Gage, Beverly A.
Hynes, Carolyn E.
Katsakiores, George N.
McGovern, Cynthia A.
Popov, Elizabeth M.
Sherburne, John L.
Vaughn, Charles L.

STRAFFORD

Burton, Wayne M.
Parks, Joe B.
Sullivan, Henry P.

Gilmore, Gary
Pelley, Janet R.
Torr, Ralph W.

McCann, William H., Jr.
Scharff, Thomas Edward
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
and the amendment was adopted.

Stamatakis, Carol M.

Ordered to third reading.

Rep. Lozeau wished to be recorded against the amendment.

Rep. Dickinson offered an amendment.

HB 409-FN, relative to licensing professional foresters. **INEXPEDIENT TO LEGISLATE**.

Based upon lengthy Subcommittee hearings on the need to license foresters, it was agreed that little evidence was shown that a serious problem to the general public had accrued. Landowners should exercise their responsibility to select a forester utilizing information available from county foresters and other sources. House Bill 409 would not prevent "poor" forestry practices. Enforcement of present laws is necessary to accomplish that. Vote 16-1. Rep. Stacey W. Cole for Resources, Recreation and Development.

Rep. Dickinson moved that the words, Ought to Pass with Amendment, be substituted for the report of the Committee, Inexpedient to Legislate and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 285**NAYS 54****YEAS 285****BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Salatiello, Thomas
Ziegra, Alice S.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Richardson, Lawrence
Turner, Robert H.

Golden, Paul A.
Maviglio, Steven R.
Rosen, Ralph J.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Foster, Katherine Davis
LaMar, David M.
Metzger, Katherine H.
Sawyer, Alfred P.

Blacketor, Paul G.
Doucette, Richard F.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Spear, Susan

Crutchley, Donald O.
Eaton, Daniel Adams
Hill, Douglas E.
Matson, William R.
Pratt, Irene A.

COOS

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

Guay, Lawrence J.
Lemire, George
Merrill, Gerald
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Driscoll, William J.
Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
LaMott, Paul I.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet Gail
Biondi, Christine A.
Brady, Carolyn L.
Cowenhoven, Garret P.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Emerton, Lawrence
Frank, Nancy G.
Goulet, Maurice E.
Haettenschwiller, A. A.

Amidon, Eleanor H.
Barry, Vivian
Bourque, Ann J.
Burkush, Peter
Culbert, Patrick
Domaingue, Jacquelyn
Drolet, Paul L.
Dyer, Merton S.
Fields, Dennis H.
Gagnon, Gabrielle V.
Green, Scott E.
Hall, Betty B.

Baldizar, Barbara J.
Beaupre, Roland O.
Bowers, Dorothy C.
Cote, David E.
Desrosiers, William J.
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Ford, Nancy M.
Gerow, Sezen M.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.

Harlan, Susan N.
 Hunter, Bruce F.
 Jenkins, Mary
 Kelley, Robert N.
 Lachut, Ervin R.
 Lefebvre, Roland J.
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Packard, Bonnie B.
 Perham, Lester R.
 Reidy, Frank J.
 Sallada, Roland A.
 Smith, Leonard A.
 Toomey, Daniel
 Upton, Barbara Allen

Healy, Daniel J.
 Jasper, Shawn N.
 Johnson, Lionel W.
 Klose, John F.
 Lawrence, Eva M.
 Lown, Elizabeth
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Pappas, Toni
 Pignatelli, Debora B.
 Rheault, Lillian I.
 Schneiderat, Catherine
 Soucy, Lillian E.
 Turgeon, Roland M.
 Wright, George W.

Holden, Carol H.
 Jean, Romeo W.
 Keefe, Edmund M.
 Kress, Gloria W.
 Leclerc, Charles J.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Record, Alice Barnard
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Tyree, Paul M.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Boucher, Laurent J.
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Kidder, William F.
 Nichols, Avis B.
 Shaw, Randall F.
 Stio, Peter M.
 Trombly, Rick A.

Apple, Lowell D.
 Beaton, Nancy
 Carter, Susan D.
 Fair, Patricia A.
 Gross, Caroline L.
 Holmes, Mary C.
 Lewis, Mary Ann
 Pantzer, Eugene
 Smith, Gerald R.
 Teague, Bert
 West, George M.

Barberia, Richard A.
 Bennett, J. Allen
 Daneault, Gabriel
 Fillion, Paul R.
 Hall, Douglas E.
 Johnson, C. William
 Lockwood, Robert A.
 Pfaff, Terence R.
 Soldati, Jennifer
 Tolpin, Richard W.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Conroy, Janet M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 McCain, William F.
 McKinney, Betsy
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Schmidtchen, Rowland
 Sherburne, John L.
 Splaine, John E., Sr.

Bell, Juanita
 Bucu, Stephen
 Cooke, Annette M.
 Flanagan, Natalie S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 King, Roger C.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Micklon, Stephanie K.
 Parr, Ednappearl F.
 Raynowska, Bernard J.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Sytek, Donna

Boucher, William Paul
 Campbell, Eunice M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Hollingworth, Beverly A.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Palazzo, Frank J., Sr.
 Parsons, Robert F.
 Remick, Barbara R.
 Seward, Russell G.
 Sochalski, Matthew M.
 Tufts, J. Arthur

Vaughn, Charles L.
Welch, David A.

Warburton, Calvin
Wells, Henry E.

Weddle, Michael Rodney

STRAFFORD

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Keans, Sandra Balomenos
Marston, Robert E.
O'Brien, John
Stewart, Glenn W.
Torr, Ann M.
Young, John B.

Bickford, Drucilla
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
Martling, W. Kent
Pelley, Janet R.
Sullivan, Henry P.
Vincent, Francis C.

Burton, Wayne M.
Flynn, Edward J.
Gilmore, Gary
Lachance, Douglas
McCann, William H., Jr.
Scharff, Thomas Edward
Swope, Warren L.
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Burling, Peter Hoe
Harland, Jane A.
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik
Stamatakis, Carol M.

NAYS 54

BELKNAP

Holbrook, Robert G.

Rice, Thomas, Jr.

CARROLL

Chandler, Gene G.

CHESHIRE

Cole, Kenneth A.
Morse, Jo-Ann T.

Cole, Stacey W.
Perry, David M.

Hunt, John B.

COOS

Brungot, Catherine V.

Nelson, Harold D.

GRAFTON

Hill, Richard L.
Rose, William B.

Markley, J. Keith

Nordgren, Sharon

HILLSBOROUGH

Alukonis, David J.
Desrochers, Gerard T.
Foote, Herbert N., Sr.
Kurk, Neal M.
Ouellette, Robert O.
Riley, Frances L.
Vanderlosk, Stanley R.

Andrews, Frederick B.
Elliott, Larry G.
Hultgren, David D.
Lawrence, Norman B.
Paquette, Rodolphe G.
Rodgers, G. Philip
Wheeler, David K.

Bicknell, Robert C.
Flood, Jacqueline J.
King, John A.
Mason, Howard F.
Prestipino, Bartolo V.
Stiles, Walter A.
Young, Willard N.

MERRIMACK

Hill, Michael

Jacobson, Alf E.

Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Chase, Lawrence A., Jr.
Gourdeau, Raymond H.
Ritzo, Eugene

Brown, Lewis W.
Cote, Patricia L.
Johnson, Robert A.
Simon, Peter M.

Caswell, Albert, Jr.
Dube, LeRoy S.
Mace, Ada L.

STRAFFORD

Appleby, James E.

Brown, Julie M.

Musler, George T.

Parks, Joe B.

Torr, Ralph W.

and the substitute motion was adopted.

Rep. Lozeau wished to be recorded in favor of motion.

Amendment

Amend the chapter heading of RSA 319-D as inserted by section 2 of the bill by replacing it with the following:

**CHAPTER 319-D
LICENSING FORESTERS**

Amend RSA 319-D:1, II as inserted by section 2 of the bill by replacing it with the following:

II. Nothing in this chapter, however, shall be construed as requiring any person, firm, partnership, company, corporation, state university, department or agency of any branch of the government to be licensed pursuant to this chapter in order to practice forestry on their own lands.

Amend RSA 319-D:2, II as inserted by section 2 of the bill by replacing it with the following:

II. "Forester" means a person who practices forestry and is licensed under this chapter, or a person specifically exempted from licensure under RSA 319-D:1.

Amend RSA 319-D:2, IV as inserted by section 2 by replacing it with the following:

IV. "Practice of forestry" includes, but is not limited to, services related to a wooded area, with or without compensation, such as consultation, investigation, evaluation, the development of management plans, timber appraisal and the responsibility for the supervision of silviculture, utilization, protection and other forest-related activities.

Amend RSA 319-D:3, I as inserted by section 2 by replacing it with the following:

I. There is established a state board of licensing for foresters to administer the provisions of this chapter and which shall be administratively attached to the department of resources and economic development, division of forest and lands. The board shall consist of 7 persons, 3 of whom shall be foresters as defined in RSA 319-D:2, II, and 4 of whom shall be members of the general public. The public members shall be persons who are not, and never have been, members of the forestry profession, as defined in this chapter, nor relatives of such a person, and who do not have and never have had a material financial interest in either the provision of forestry services, or in an activity directly related to forestry. Two of the public members shall be forest landowners actively engaged in forest management, but not otherwise connected with the forestry profession. The director, division of forest and lands, shall be a member of the board and shall serve as chairman.

Amend RSA 319-D:3, III as inserted by section 2 of the bill by replacing it with the following:

III. Board members shall be appointed by the governor and council upon the recommendation of the director, division of forest and lands. Initial terms shall be as follows: 2 members for 5 years; 2 members for 4 years; one member for 3 years; one

member for 2 years; and one member for one year. Thereafter, all terms shall be for a period of 5 years.

Amend RSA 319-D:3, V and VI as inserted by section 2 of the bill by replacing them with the following:

V. A quorum shall consist of 4 members.

VI. The board shall adopt an official seal. The board shall keep a true record of its proceedings and a register of applications. Such register shall show the name, age, residence, and business address of each applicant, the date of application, the applicant's education and other qualifications, whether or not an examination was required, whether an applicant was accepted or rejected and reasons for rejection if applicable, date of board action, and such other information as the board deems necessary. On or before December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board. During February of each even-numbered year, the secretary of the board shall publish a roster listing the names and places of business of all foresters licensed under this chapter by the board. Copies of this roster shall be mailed to each licensed forester upon request, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board.

Amend RSA 319-D:4 as inserted by section 2 of the bill by replacing it with the following:

319-D:4 Procedures. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. The board shall have the power to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers, and documents in its investigation of complaints under this chapter. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. Such subpoenas issued by the board shall have the same effect as though issued for appearance before the superior court.

Amend RSA 319-D:5, V as inserted by section 2 of the bill by replacing it with the following:

V. Establishment of fees to cover the costs of administering this chapter.

Amend RSA 319-D:11 as inserted by section 2 of the bill by replacing it with the following:

319-D:11 License Renewal. Licenses may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The secretary shall notify each forester one month prior to expiration of his certificate. The applicant shall submit proof of completion of 20 hours of continuing education approved by the board at the time of license renewal, together with a record of any legal action brought against the applicant for his services as a forester.

Amend RSA 319-D:14, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II, and which specifies the grounds for such complaint. The board may utilize the services of the county extension forester in any preliminary investigation.

Amend the introductory paragraph of RSA 319-D:14, III as inserted by section 2 of the bill by replacing it with the following:

III. The board may take disciplinary action in any one or more of the following ways and notice of such action shall be provided to newspapers of general circulation in the area in which the licensee practices:

Amend section 2 of the bill by deleting RSA 319-D:18.

Amend the bill by replacing section 4 with the following:

4 Prospective Repeal. RSA 319-D, relative to licensing foresters, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect September 30, 1996.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a state board of forestry which shall be administratively attached to the division of forest and lands, and requires foresters to be licensed by the board. The bill authorizes the board to make rules regarding licensure requirements, fees, disciplinary actions, violations, and penalties.

This bill replaces current law requiring foresters to be registered.

The bill also prospectively repeals the forestry board, effective September 30, 1996.

Amendment adopted.

Referred to Executive Departments and Administration.

REGULAR CALENDAR

HB 266-FN, requiring employers to offer health insurance benefits to part-time employees. **OUGHT TO PASS.**

There is no question that New Hampshire is not alone in its concern about the exponentially rising cost of health care (NOTE: In 1986, health care costs increased by 7.5% and the consumer price index increased by only 1.9%). It has become obvious that as a society we must begin to structure methods which can provide access to care for the greatest number of people at a reasonable cost. HB 266 is our small attempt to expand the opportunity for health care coverage to a segment of the work force that historically has been precluded from insurance coverage - the part-time worker. This bill allows a part-time employee to elect, if he or she can afford it, to purchase the employer's group health coverage plan at the insurance company's rate per employee. The employer is not required to pick up any portion of a part-time employee's health coverage cost. This bill will be amended on the floor to remove any potential ambiguity vis-a-vis the nature of payment. Vote 9-2. Rep. Deborah L. Arnesen for Commerce, Small Business and Consumer Affairs.

Rep. Fraser moved that HB 266 be recommitted to the Committee on Commerce, Small Business and Consumer Affairs.

Motion adopted.

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts. **INEXPEDIENT TO LEGISLATE.**

The Committee felt the problem was not a situation that needed to be corrected. The Department of Administrative Services has resolved any problems. Vote 9-2. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Rep. Copenhagen moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to her motion.

Rep. Dunn spoke in favor of motion.

Rep. Krueger spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 183**NAYS 161****YEAS 183****BELKNAP**

Golden, Paul A.
Richardson, Lawrence
Ziegra, Alice S.

Maviglio, Steven R.
Salatiello, Thomas

Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Dodge, Arthur G., Jr.

Foster, Robert W.

CHESHIRE

Avery, Stephen G.
Cole, Stacey W.
Eaton, Daniel Adams
Pearson, Gertrude B.
Spear, Susan

Blacketor, Paul G.
Crutchley, Donald O.
LaMar, David M.
Perry, David M.

Cole, Kenneth A.
Doucette, Richard F.
Matson, William R.
Pratt, Irene A.

COOS

Buckley, C. Fitzgerald, III
Lemire, George
Oleson, Otto H.

Dumont, Robert E.
Mayhew, Josephine
Theriacult, Romeo J.

Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Chambers, Mary P.
Guest, Robert H.
Stewart, Roger

Bean, Pamela B.
Copenhagen, Marion L.
LaMott, Paul I.
Teschner, Douglass P.

Bennett, Shirley M.
Densmore, Edward D.
Nordgren, Sharon

HILLSBOROUGH

Baldizar, Barbara J.
Biondi, Christine A.
Burkush, Peter
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dykstra, Leona
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Jean, Romeo W.

Barry, Janet Gail
Bourque, Ann J.
Cote, David E.
Desrosiers, William J.
Dube, Ellen C.
Elliott, Larry G.
Foote, Herbert N., Sr.
Gerow, Sezen M.
Haettenschwiller, A. A.
Harlan, Susan N.
Jenkins, Mary

Barry, Vivian
Brady, Carolyn L.
Culbert, Patrick
Donovan, Francis X.
Dwyer, Patricia R.
Emerton, Lawrence
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Hultgren, David D.
Johnson, Lionel W.

Kelley, Robert N.
Lachut, Ervin R.
Lozeau, Donnalee
Messier, Irene M.
Murphy, Robert E.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Toomey, Daniel

King, John A.
Lawrence, Eva M.
McDowell, James E.
Moore, Elizabeth A.
Nardi, Theodora P.
Reidy, Frank J.
Smith, Leonard A.
Turgeon, Roland M.

Kress, Gloria W.
Leclerc, Charles J.
McRae, Karen
Morrisette, Roland
O'Rourke, JoAnne A.
Rheault, Lillian I.
Soucy, Lillian E.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Carter, Susan D.
Fillion, Paul R.
Jacobson, Alf E.
Trombly, Rick A.

Apple, Lowell D.
Beaton, Nancy
Daneault, Gabriel
Hall, Douglas E.
Smith, Gerald R.
West, George M.

Barberia, Richard A.
Bennett, J. Allen
Dunn, Miriam
Hill, Michael
Soldati, Jennifer
Whitemore, James A.

ROCKINGHAM

Bell, Juanita
Brown, Lewis W.
Chase, Lawrence A., Jr.
Forsythe, Douglas G.
Hoelzel, Kathleen M.
Johnson, Robert A.
MacKinnon, Nancy W.
McCarthy, John James, Jr.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Ritzo, Eugene
Sherburne, John L.
Warburton, Calvin
Wells, Henry E.

Boucher, William Paul
Campbell, Eunice M.
Fesh, Robert M.
Gage, Thomas U.
Hollingworth, Beverly A.
Kane, Cecelia D.
Mace, Ada L.
McGovern, Cynthia A.
Pantelakos, Laura C.
Raynowska, Bernard J.
Rosencrantz, James R.
Splaine, John E., Sr.
Weddle, Michael Rodney

Brown, Jeffrey M.
Caswell, Albert, Jr.
Flanders, Harry E.
Hoar, John, Jr.
Hynes, Carolyn E.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Micklon, Stephanie K.
Parsons, Robert F.
Remick, Barbara R.
Senter, Marilyn P.
Vaughn, Charles L.
Welch, David A.

STRAFFORD

Bickford, Drucilla
Flynn, Edward J.
Keans, Sandra Balomenos
Martling, W. Kent
Musler, George T.
Pelley, Janet R.
Wheeler, Katherine Wells

Burton, Wayne M.
Frechette, Roland A.
Lachance, Douglas
McCann, William H., Jr.
O'Brien, John
Scharff, Thomas Edward
Young, John B.

Flynn, Anita A.
Gilmore, Gary
Marston, Robert E.
Merrill, Amanda
Parks, Joe B.
Swope, Warren L.

SULLIVAN

Burling, Peter Hoe
Lucier, Edward A., Jr.

Flint, Gordon B.
Stamatakis, Carol M.

Harland, Jane A.

NAYS 161 BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Rosen, Ralph J.

Campbell, Richard H., Jr.
Pearson, Ralph W.
Vogler, Charles C.

Hardy, Earle D.
Randall, Kenneth A.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chandler, Gene G.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Saunders, Howard N.

CHESHIRE

Delano, Robert F.
Hill, Douglas E.
Metzger, Katherine H.

Foster, Katherine Davis
Hunt, John B.
Morse, Jo-Ann T.

Grodin, Richard A.
Laurent, John J.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Merrill, Gerald

Guay, Lawrence J.

Marsh, Beaton

GRAFTON

Adams, Carl S.
Dow, David
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Driscoll, William J.
Markley, J. Keith
Shackett, Ralph E.
Ward, Kathleen W.

Christy, C. Dana
Hill, Richard L.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Domaingue, Jacquelyn
Fields, Dennis H.
Holden, Carol H.
Keefe, Edmund M.
Lefebvre, Roland J.
McCann, Bonnie Lou
Packard, Bonnie B.
Pepino, Leo P.
Record, Alice Barnard
Sallada, Roland A.
Stiles, Walter A.
Upton, Barbara Allen
Wright, George W.

Alukonis, David J.
Beaupre, Roland O.
Cowenhoven, Garret P.
Drolet, Paul L.
Ford, Nancy M.
Hunter, Bruce F.
Kurk, Neal M.
Lown, Elizabeth
McNerney, Daniel P.
Pappas, Toni
Perham, Lester R.
Riley, Frances L.
Schneiderat, Catherine
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Young, Willard N.

Amidon, Eleanor H.
Bicknell, Robert C.
Dodge, Emma M.
Dyer, Merton S.
Goulet, Maurice E.
Jasper, Shawn N.
Lawrence, Norman B.
Mason, Howard F.
Ouellette, Robert O.
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tyree, Paul M.
Wheeler, David K.

MERRIMACK

Boucher, Laurent J.
Gilbreth, Robert M.
Holmes, Mary C.
Lewis, Mary Ann
Pantzer, Eugene
Stio, Peter M.

Fair, Patricia A.
Gross, Caroline L.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Teague, Bert

Fraser, Leo W., Jr.
Hayes, Robert C.
Kidder, William F.
Nichols, Avis B.
Shaw, Randall F.
Tolpin, Richard W.

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Anderson, Carl F., III
Conroy, Janet M.
Dube, LeRoy S.
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Benton, Richardson D.
Cooke, Annette M.
Felch, Charles H., Sr.
Ford, Bert H.

Buco, Stephen
Cote, Patricia L.
Flanagan, Natalie S.
Gage, Beverly A.

Gourdeau, Raymond H.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Parr, Ednapearl F.
Simon, Peter M.
Sytek, Donna

Greene, Elizabeth A.
Katsakiores, Phyllis
Lovejoy, Virginia K.
McCain, William F.
Schmidtchen, Rowland
Skinner, Patricia M.
Tufts, J. Arthur

Haynes, Richard L.
King, Roger C.
MacDonald, Maurice B.
McKinney, Betsy
Seward, Russell G.
Sochalski, Matthew M.

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Appleby, James E.
Dionne, Albert J.
Stewart, Glenn W.
Torr, Ralph W.

Bernard, Mary E.
Foss, Patricia H.
Sullivan, Henry P.
Tsiros, William

Brown, Julie M.
Kinney, Paula J.
Torr, Ann M.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik

and the substitute motion was adopted.

Rep. Katherine Foster wished to be recorded in favor of the motion.

Ordered to third reading.

HB 443, exempting certain insurance claims adjusters from licensing examinations. **INEXPEDIENT TO LEGISLATE.**

The New Hampshire Insurance Department has the appropriate authority, by statute, to take action and resolve this issue on a case-by-case basis at this time. Therefore, the Committee and the sponsor agreed this legislation is not necessary. Vote 9-2. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 513, relative to medicare balanced billing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

MAJORITY: The Subcommittee reported Inexpedient to Legislate to the full Committee on a vote of 4-1. Voluminous testimony from all concerned was heard. Medicare is a federal health insurance program and not a social welfare program and should be governed by Washington. Vote 9-3. Rep. C. Dana Christy for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: As originally drafted, HB 513 required acceptance of the Medicare-allowed amount for all Medicare services. The minority offered an amendment to HB 513, which is printed with this report, and on which no vote was taken. The amendment is a compromise which begins to address rapidly-rising health costs for seniors that stem from expensive hospital procedures, without changing the fee structures of the vast majority of New Hampshire physicians. Rep. Thea G. Braiterman for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Soldati moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority. Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Fraser spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 123**NAYS 223****YEAS 123****BELKNAP**

Maviglio, Steven R.

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

Dickinson, Howard C., Jr. Dodge, Arthur G., Jr.

CHESHIRE

Blacketor, Paul G.

Cole, Kenneth A.

Doucette, Richard F.

Matson, William R.

Pratt, Irene A.

Spear, Susan

COOS

Buckley, C. Fitzgerald, III

Dumont, Robert E.

Kilbride, Dennis J.

Lemire, George

Mayhew, Josephine

Merrill, Gerald

Nelson, Harold D.

Oleson, Otto H.

Theriault, Romeo J.

GRAFTON

Adams, Carl S.

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Densmore, Edward D.

Guest, Robert H.

Rose, William B.

Stewart, Roger

HILLSBOROUGH

Andrews, Frederick B.

Baldizar, Barbara J.

Bourque, Ann J.

Burkush, Peter

Cote, David E.

Culbert, Patrick

Desrochers, Gerard T.

Donovan, Francis X.

Drabinowicz, A. Theresa

Dwyer, Patricia R.

Dykstra, Leona

Foote, Herbert N., Sr.

Frank, Nancy G.

Gagnon, Gabrielle V.

Gerow, Sezen M.

Green, Scott E.

Gureckis, Adam C., Sr.

Haettenschwiller, A. A.

Hall, Betty B.

Hunter, Bruce F.

Jean, Romeo W.

Johnson, Lionel W.

King, John A.

Lawrence, Norman B.

Leclerc, Charles J.

Lefebvre, Roland J.

Lozeau, Donnalee

Mason, Howard F.

McRae, Karen

Messier, Irene M.

Morrissette, Roland

Murphy, Robert E.

O'Rourke, JoAnne A.

Pepino, Leo P.

Reidy, Frank J.

Robinson, Ellen-Ann

Searles, Stanley N., Sr.

Soucy, Lillian E.

Vanderlosk, Stanley R.

Wright, George W.

Young, Willard N.

MERRIMACK

Apple, Lowell D.

Bennett, J. Allen

Boucher, Laurent J.

Daneault, Gabriel

Dunn, Miriam

Fillion, Paul R.

Hall, Douglas E.

Holmes, Mary C.

Johnson, C. William

Pfaff, Terence R.

Smith, Gerald R.

Soldati, Jennifer

Teague, Bert

Trombly, Rick A.

Whittemore, James A.

ROCKINGHAM

Bell, Juanita

Caswell, Albert, Jr.

Forsythe, Douglas G.

Gage, Beverly A.

Hollingworth, Beverly A.

Hynes, Carolyn E.

Kane, Cecelia D.

Katsakiores, George N.

Katsakiores, Phyllis

Lovejoy, Virginia K.

MacKinnon, Nancy W.

Magoon, Harold F.

McCarthy, John James, Jr.

McGovern, Cynthia A.

McKinney, Betsy

Palazzo, Frank J., Sr.

Pantelakos, Laura C.

Popov, Elizabeth M.

Remick, Barbara R.
Splaine, John E., Sr.

Rosencrantz, James R.
Vaughn, Charles L.

Schmidtchen, Rowland
Weddle, Michael Rodney

STRAFFORD

Bernard, Mary E.
Flynn, Anita A.
McCann, William H., Jr.
Tsiros, William

Bickford, Drucilla
Flynn, Edward J.
Pelley, Janet R.

Dionne, Albert J.
Gilmore, Gary
Scharff, Thomas Edward

SULLIVAN

Burling, Peter Hoe
Lucier, Edward A., Jr.

Flint, Gordon B.
Stamatakis, Carol M.

Harland, Jane A.

NAYS 223

BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Grodin, Richard A.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Eaton, Daniel Adams
Hill, Douglas E.
Laurent, John J.
Pearson, Gertrude B.

Crutchley, Donald O.
Foster, Katherine Davis
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Marsh, Beaton

Guay, Lawrence J.
Woodburn, Jeffrey R.

Horton, Lynn C.

GRAFTON

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Markley, J. Keith
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Dow, David
LaMott, Paul I.
Nordgren, Sharon
Teschner, Douglass P.
Ward, Kathleen W.

Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet Gail
Bicknell, Robert C.
Brady, Carolyn L.
Dodge, Emma M.
Dube, Ellen C.

Alukonis, David J.
Barry, Vivian
Biondi, Christine A.
Cowenhoven, Garret P.
Domaingue, Jacquelyn
Dyer, Merton S.

Amidon, Eleanor H.
Beaupre, Roland O.
Bowers, Dorothy C.
Desrosiers, William J.
Drolet, Paul L.
Elliott, Larry G.

Emerton, Lawrence
 Ford, Nancy M.
 Harlan, Susan N.
 Hultgren, David D.
 Keefe, Edmund M.
 Kress, Gloria W.
 Lawrence, Eva M.
 McDowell, James E.
 Nardi, Theodora P.
 Pappas, Toni
 Pignatelli, Debora B.
 Rheault, Lillian I.
 Sallada, Roland A.
 Stiles, Walter A.
 Tyree, Paul M.

Fields, Dennis H.
 Goulet, Maurice E.
 Healy, Daniel J.
 Jasper, Shawn N.
 Kelley, Robert N.
 Kurk, Neal M.
 Lown, Elizabeth
 McNerney, Daniel P.
 Ouellette, Robert O.
 Paquette, Rodolphe G.
 Prestipino, Bartolo V.
 Riley, Frances L.
 Schneiderat, Catherine
 Tarpley, Nancy L.
 Upton, Barbara Allen

Flood, Jacqueline J.
 Hanselman, Gregory L.
 Holden, Carol H.
 Jenkins, Mary
 Klose, John F.
 Lachut, Ervin R.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Perham, Lester R.
 Record, Alice Barnard
 Rodgers, G. Philip
 Smith, Leonard A.
 Turgeon, Roland M.
 Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Kidder, William F.
 Nichols, Avis B.
 Stio, Peter M.

Barberia, Richard A.
 Carter, Susan D.
 Gilbreth, Robert M.
 Hill, Michael
 Lewis, Mary Ann
 Pantzer, Eugene
 Tolpin, Richard W.

Bardsley, Elizabeth S.
 Fair, Patricia A.
 Gross, Caroline L.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Shaw, Randall F.
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Thomas U.
 Haynes, Richard L.
 Johnson, Robert A.
 Klemm, Arthur P., Jr.
 Malcolm, Kenneth W.
 Parr, Edna Pearl F.
 Roulston, Donald L.
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur

Benton, Richardson D.
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 King, Roger C.
 MacDonald, Maurice B.
 McCain, William F.
 Parsons, Robert F.
 Scamman, W. Douglas, Jr.
 Sherburne, John L.
 Sochalski, Matthew M.
 Welch, David A.

Boucher, William Paul
 Bucu, Stephen
 Conroy, Janet M.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Senter, Merilyn P.
 Simon, Peter M.
 Sytek, Donna
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Foss, Patricia H.
 Kinney, Paula J.
 Martling, W. Kent
 Parks, Joe B.
 Swope, Warren L.
 Vincent, Francis C.

Brown, Julie M.
 Frechette, Roland A.
 Lachance, Douglas
 Merrill, Amanda
 Stewart, Glenn W.
 Torr, Ann M.
 Wheeler, Katherine Wells

Burton, Wayne M.
 Keans, Sandra Balomenos
 Marston, Robert E.
 O'Brien, John
 Sullivan, Henry P.
 Torr, Ralph W.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik

and the substitute motion lost.

Rep. Doucette inadvertently voted yea but meant to vote nay.

Resolution adopted.

HB 524, requiring insurers to send cancellation notices. **INEXPEDIENT TO LEGISLATE**.

The content of this bill will be included in proposed legislation for the 1991 session. Vote 11-1. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 575-FN, relative to campaign financing. **OUGHT TO PASS WITH AMENDMENT**.

House Bill 575 amends the Campaign Finance Law. It applies to candidates who intend to have their names on the state general election ballot. This bill also increases the total expenditures by a candidate for representative and for county office from \$.25 to \$.35 per voter; adds one member to be appointed by the Governor to the Advisory Committee which monitors campaign financing statutes; reinstates the general penalty provision for violations of RSA 664; and allows a candidate who does not accept limitations to pay a filing fee or to file petitions. Vote 9-0. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. Amend 1989, 212:1, IV-VI to read as follows:

IV. Unimpeded access to the ballot is crucial to the realization of the constitutional guarantee of a representative form of government. The philosophical basis for democracy is the equal opportunity to participate. Greater participation increases effective representation, preserving the political power guaranteed to the people by the constitution. Expenditure limitations will allow greater ballot access, freer competition of ideas through individual speech and interaction, and more competitive campaigns. Voluntary compliance with expenditure limitations will help provide greater ballot access, which by its nature is necessary to and a part of the election process. *And in further recognition of the state's traditional role in regulating ballot access and candidate qualifications, the general court finds that these objectives can be accomplished by the voluntary procedure set forth herein.* The general court finds that these objectives can be accomplished by campaign expenditure limitations.

V. The seriousness of the peril to this crucial right affecting the underpinnings of state government and the failure of other less stringent means of reform compel the general court to conclude that reasonable expenditure limitations can restore New Hampshire to the electoral process of self-government contemplated by the constitution.

[VI. The state also recognizes that candidates for the United States Senate and United States House of Representatives may face changes in federal law concerning campaign financing, which may necessitate changes in New Hampshire's campaign financing statutes.]

2 Filing Fees for all Candidates. Amend the introductory paragraph of RSA 655:19 to read as follows:

655:19 Filing Fees. At the time of filing declarations of candidacy *or declarations of intent*, each candidate for the following offices shall *have the choice of paying* [pay] to the official with whom the declarations are filed the following filing fees[:], *or of filing with the appropriate official the requisite number of primary petitions as provided in RSA 655:20, II. The filing fees shall be as follows:*

3 Reference to Filing Declaration of Intent. Amend RSA 655:19-b, II to read as follows:

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he files the declaration of candidacy *or declaration of intent*, the filing fee shall be waived. If such affidavit is filed within 10 days following the filing of the declaration of candidacy *or declaration of intent*, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

4 Reference to Declaration of Intent. Amend RSA 664:5-a, III to read as follows:

III. Affidavits in compliance with this section shall be filed within 10 days after the date on which a candidate files his declaration of candidacy *or his declaration of intent*, or is declared a write-in winner of a primary election.

5 Increasing Political Expenditures for Representatives and County Officers. RSA 664:5-b is repealed and reenacted to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor and United States senator:

- (a) \$400,000 in a state primary election.
- (b) \$400,000 in a state general election.

II. For representative to Congress:

- (a) \$200,000 in a state primary election.
- (b) \$200,000 in a state general election.

III. For executive council:

- (a) \$35,000 in a state primary election.
- (b) \$35,000 in a state general election.

IV. For state senate:

- (a) \$15,000 in a state primary election.
- (b) \$15,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) \$.35 per registered voter in the district or the county in a state primary election.

(b) \$.35 per registered voter in the district or the county in a state general election.

6 Advisory Committee; Additional Member. Amend RSA 664:5-c, II to read as follows:

II. The committee shall consist of the secretary of state and 4 other members: one person appointed by the house majority leader; one person appointed by the house minority leader; one person appointed by the senate majority leader; [and] one person appointed by the senate minority leader; *and one person appointed by the governor.*

7 Filing Petitions or Paying Fee. Amend RSA 655:20, II to read as follows:

II. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b shall, in order to have his name printed on the primary ballot of any party, [in addition to] *either pay* the filing fees prescribed in RSA 655:19, *or* file with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy.

8 Power of Attorney General. Amend RSA 664:21, III to read as follows:

III. Nothing in this section shall be construed to limit the [power] *enforcement powers* of the attorney general [to issue a cease and desist order] under RSA 664:18.

9 New Paragraph; General Penalty for Violation of Election Laws. Amend RSA 664:21 by inserting after paragraph III the following new paragraph:

IV. In addition to being subject to the fine schedule listed in paragraph I, any person who violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the campaign financing law.

The bill makes it apply to candidates who intend to have their names placed on the state general election ballot by means of primary petitions or nominating petitions. The current law only applies to candidates who are nominated in their party primary, and to write-in candidates.

The bill also:

(1) Increases the total expenditures by a candidate for representative to the general court and for all county offices from \$.25 to \$.35 per registered voter in the district or county.

(2) Adds one member appointed by the governor to the advisory committee which monitors campaign financing statutes.

(3) Adds a general penalty provision for violations of RSA 664.

(4) Allows a candidate who does not voluntarily accept expenditure limitations to choose either to pay a filing fee or to file primary petitions.

Amendment adopted.

Ordered to third reading.

HB 690, relative to surplus funds and expenditures by candidates. **OUGHT TO PASS WITH AMENDMENT.**

This bill is designed to prevent candidates from keeping for personal use any campaign funds in excess of \$500. Such surplus campaign funds must be declared as "surplus funds" and must be disbursed or officially retained as campaign funds for the subsequent election. Vote 5-4. Rep. Ellen C. Dube for Constitutional and Statutory Revision.

Rep. Flanagan moved that HB 690 be recommitted to the Committee on Constitutional and Statutory Revision.

Motion adopted.

HB 583-FN, relative to the vote required to form or to make an annexation to a cooperative school district. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that although there have been some unsuccessful cooperative situations, the remedy lies in a better design or in the articles of incorporation rather than in legislation. The Department of Education has agreed to work with districts on

this problem and to provide articles which will address those few districts which have experienced past problems. Vote 16-0. Rep. Nils S. Larson, Jr. for Education.

Resolution adopted.

HB 585-FN, relative to funding the costs of minimum standards for elementary schools. **INEXPEDIENT TO LEGISLATE.**

House Bill 585 was given very thorough study by a Subcommittee of House Education, including four regional public hearings held throughout the state. Strong testimony from local school district officials resulted in reforms that are currently in the rulemaking/drafting procedure by the Department of Education. There is presently a case pending before the New Hampshire Supreme Court which will address ALL unfunded mandates, thereby making this bill moot. Vote 10-3. Rep. Jacquelyn M. Domaingue for Education.

Reps. Burton and Domaingue spoke to the report.

Resolution adopted.

HB 514, regarding notice provisions for additives applied to fresh produce. **OUGHT TO PASS WITH AMENDMENT.**

It was agreed that the laws on sulfides and waxing foods are already on the books. The problem is enforcement. It was agreed that the bill be amended to give the Division of Public Health Services the right to draw up rules and regulations and levy administrative fines under RSA 146:11. Vote 19-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to rulemaking authority of the director,
division of public health services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Rules Concerning Fresh Produce Additives. Amend RSA 146:11, II by inserting after subparagraph (d) the following new subparagraph:

(e) Enforcement procedures and administrative fines for violations of rules concerning additives to fresh produce. Such fines shall not exceed \$200 for a first violation and shall not exceed \$5,000 for each subsequent offense.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the director of the division of public health services to adopt rules relating to administrative fines regarding the use of additives on fresh produce.

Amendment adopted.

Ordered to third reading.

HB 669, prohibiting non-biodegradable single use plastic items. **INEXPEDIENT TO LEGISLATE.**

The Committee felt this bill, banning certain non-biodegradable plastics from the New Hampshire waste stream, would be in conflict with the Interstate Commerce Laws. The subject of plastic's is being addressed at the federal level and in the Committee's own packaging bill, House Bill 746. Vote 16-1. Rep. Nancy L. Tarpley for Environment and Agriculture.

Resolution adopted.

HB 723-FN, regarding the acid rain control act. OUGHT TO PASS WITH AMENDMENT.

The Committee felt a compromise had been met with all groups concerned. It holds the total statewide level of sulfur dioxide emissions adopted into 1985. Vote 16-0. Rep. Bonnie Lou McCann for Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions Added. Amend RSA 125-D:2 by inserting after paragraph I the following new paragraphs:

I-a. "Department" means the department of environmental services.

2 Definition; Change Director to Division. RSA 125-D:2, II is repealed and reenacted to read as follows:

II. "Division" means the division of air resources, department of environmental services.

3 Definitions; Baseline Emissions. Amend RSA 125-D:2, III to read as follows:

III. "Baseline emissions" means the total sulfur dioxide emissions *in tons per calendar year* averaged over the period 1979 through 1982 from all major sources.

4 New Paragraphs; Definitions. Amend RSA 125-D:2 by inserting after paragraph V the following new paragraphs:

VI. "Emission rate" means the pounds of sulfur dioxide emitted per million BTU input.

VII. "Average emission rate" means the weighted average on a BTU input basis of the emission rates of a major source, all major sources under a single ownership, or some other specified group of major sources during any calendar year.

VIII. "Baseline average emission rate" means the weighted average on a BTU input basis of the emissions rates of all major sources over the period 1979 through 1982.

IX. "Maximum total heat input capacity" means the designed gross heat input capacity of a major source in millions of BTU per hour.

X. "Average annual emissions" means the total sulfur dioxide emissions in tons per calendar year averaged over any consecutive 4 year period from a specified group of major sources.

XI. "Annual emissions" means the sulfur dioxide emissions from a major source in tons during any calendar year.

5 Acid Rain Control Program. RSA 125-D:3 is repealed and reenacted to read as follows:

125-D:3 Acid Deposition Control Program.

I. The department shall develop a 2-phase acid deposition control program which shall achieve in Phase I a 25 percent reduction of sulfur dioxide from the baseline emissions by December 31, 1991, as a first step toward a Phase II goal of a 50 percent reduction by December 31, 1996. Steps toward the implementation of phase II shall proceed only at such time as federal acid deposition control requirements are enacted by the Congress of the United States. The phase I program shall include the following requirements:

(a) All major sources of sulfur dioxide in operation during the baseline period shall be divided into 2 groups:

(1) Sources with a maximum total heat input capacity equal to or greater than 1,000 MBTU/HR; or

(2) Sources with a maximum total heat input capacity less than 1,000 MBTU/HR.

(b) For the calendar year ending December 31, 1991, and for each year thereafter, except as provided by subparagraph I(f), each major source specified in subparagraph I(a)(1) shall have annual emissions which are 25 percent less than its portion of the baseline emissions.

(c) Beginning with the 4-year period 1988-1991 and each consecutive 4-year period thereafter, the major sources specified in subparagraph I(a)(2) shall have average annual emissions which are 25 percent less than their portion of the baseline emissions.

(d) Failure to comply with either subparagraph I(b) or I(c) shall be addressed solely within the heat input capacity group to which each of the subparagraphs applies.

(e) For the calendar year ending December 31, 1991, and each year thereafter, except as provided by subparagraph I(f) each major source specified in subparagraph I(a)(2) shall have an average emission rate which is 25 percent less than the baseline average emission rate determined for this heat input capacity group.

(f) For 2 or more major sources under a single ownership, alternatives to compliance with subparagraph I(b) and I(e) are as follows:

(1) With regard to subparagraph I(b), the annual emissions of all major sources under single ownership may be combined to demonstrate that their total annual emissions are 25 percent less than their total portion of the baseline emissions; and

(2) With regard to subparagraph I(e), the emission rates of all major sources under single ownership may be averaged on a BTU input basis to demonstrate compliance with the required average emission rate.

II. In implementing the program established in paragraph I, the division shall:

(a) Prepare an emissions and heat input capacity inventory for major sources of sulfur dioxide during the baseline period 1979 through 1982 with the emission inventory to include a determination of the baseline emissions and the baseline average emission rate for the major sources specified in subparagraph I(a)(2).

(b) Adopt rules, pursuant to RSA 541-A, which shall establish a process for monitoring compliance with subparagraph I(c). The process shall include a determination of average annual emissions, an analysis of trends and causal factors, and a forecast of future emissions. If the division determines that such emissions are 95 percent or more of the emission limit, the department shall submit a report to the governor, the president of the senate and the speaker of the house recommending proposed legislation to protect the emission limit.

(c) Adopt rules, pursuant to RSA 541-A, which shall provide credit for reductions in total emissions or emission rates made during the baseline period when such reductions result from verifiable energy efficiency or fuel switching programs.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the approach used to reduce statewide sulfur dioxide emissions by 25 percent as required by current law by substituting emission rate limits for tonnage caps for the smaller facilities. The bill retains the overall 25 percent emission reduction and the approach in current law for emission reduction from larger facilities. In the event that emissions from the smaller facilities reach 95 percent of the maximum

level established, the bill requires the department of environmental services to review the annual emissions for this group, to conduct a study, and to report to the governor and legislature relative to preventing the emission limit from being exceeded.

Under this bill, the compliance with the required emission limits are to be attained solely by the facilities in the size group to which such limits apply.

Amendment adopted.

Ordered to third reading.

HB 745-FN, relative to the hazardous material transportation advisory board. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, adds representatives of the general public and the hazardous material carrier industries to the board. The bill provides for the appointment of subcommittees which are to report, at least annually, as to their activities. These subcommittees are to study road, rail, air and water transportation of hazardous materials. There was only one person who testified against the bill at either the initial hearing or the re-hearing this Fall. Vote 18-0. Rep. Robert F. Parsons for Environment and Agriculture.

Amendment

Amend RSA 149-H:1, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) [The state fire marshall] *The director of the fire services division of the department of safety*, or his designee[;].

Amend RSA 149-H:1, I(l) as inserted by section 1 of the bill by replacing it with the following:

(l) An active police chief member designated by the New Hampshire [Police] Association *of chiefs of police* and appointed by the governor and council for a term of 3 years[;].

Amend RSA 149-H:1, I(n) as inserted by section 1 of the bill by replacing it with the following:

(n) [A member] *Four members* from the general public *who reside near a railway, waterway, airway, or roadway, over which hazardous material is transported*, appointed by the governor and council for a term of 3 years.

Amend section 4 of the bill by replacing it with the following:

4 New Paragraph; Further Duties. Amend RSA 149-H:3 by inserting after paragraph V the following new paragraph:

VI. Appoint from the board, a member to serve as a military liason to monitor military activity regarding matters of mutual intent. The chairman of each subcommittee may appoint other non-voting members as necessary to fulfill the duties of each subcommittee.

Amend section 5 of the bill by replacing it with the following:

5 Report of Board and Subcommittees. Amend RSA 149-H:4 to read as follows:

149-H:4 [Report] *Reports*. The board shall submit a biennial report *highlighting air, rail, water, and roadway concerns*, including any necessary legislative recommendations to the [general court] *governor, speaker of the house, the senate president, and the minority leaders of each chamber*, on or before January 1 of each odd-numbered year. *Subcommittees shall report to the board at least once a year.*

AMENDED ANALYSIS

This bill adds representatives from the hazardous material carrier industries and representatives of the general public to the hazardous material transportation advisory board.

The bill requires the chairman of the board to appoint subcommittees to study highway, railway, waterway and airway transportation of hazardous materials. The subcommittees shall report at least annually to the board.

Amendment adopted.

Ordered to third reading.

HB 746-FN, regarding waste reduction and recycling and imposing a disposal fee on certain containers and products. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

MAJORITY: House Bill 746 demonstrated clearly that the original bill would be unworkable for business if impacted by the fee system, even if not imposed until 1991. Also, newspaper publishers and plastic business employees indicated their willingness to work together towards waste reduction. Immediate reaction will result if the April report does not show substantial progress. Vote 11-3. Rep. Elizabeth A. Greene for the Majority of Environment and Agriculture.

MINORITY: Given the seriousness of the solid waste problem, more forceful leadership is required. While the minority supports voluntary efforts to reduce and recycle solid waste, it believes that the present bill lacks the teeth necessary to ensure meaningful results. Reps. Douglass P. Teschner, Rick A. Trombly and Betty B. Hall for the Minority of Environment and Agriculture.

Rep. Betty Hall moved that the report of the minority, Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass with Amendment, and spoke to her motion.

Reps. Teschner, Jane Harland, Amanda Merrill and Trombly spoke against the motion.

Motion lost.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a task force relative to reducing and recycling
the solid waste stream and commissioning a study
on solid waste fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose.

I. The primary purpose of this act is to establish programs to reduce the amount of solid waste generated by packaging and newsprint which must be disposed of in this state.

II. The state of New Hampshire endorses the waste reduction goals of the North-east Source Reduction Council as established by the Coalition of Northeast Governors (CONEG), and plans on working towards their realization.

III. The state of New Hampshire encourages the voluntary implementation of waste reduction programs by the packaging and newsprint industries during the interim period.

2 Task Force Established.

I. There is hereby established a task force to establish voluntary agreements relative to reducing and recycling the solid waste stream. The members of the task force shall include, but not be limited to, the following:

- (a) A representative from the newspaper industry appointed by the governor.
- (b) A representative from the plastics industry appointed by the governor.
- (c) A representative from the packaging industry appointed by the governor.
- (d) A representative from the recycling industry appointed by the governor.
- (e) The commissioner of the department of environmental services, or designee.
- (f) One member of the house of representatives, appointed by the speaker of the house.
- (g) One member of the senate, appointed by the president of the senate.

II. The first meeting of the task force shall be called by the commissioner of the department of environmental services for the purpose of electing a chairperson.

III. The responsibility of the task force shall be to establish voluntary agreements relative to reducing and recycling the solid waste stream. Primary emphasis shall be placed upon the products generated by the newspaper, plastics and packaging industries.

IV. The task force shall produce a progress report no later than April 1, 1990 and an interim report with its findings and recommendations to the house environment and agriculture committee and the senate development, recreation and environment committee no later than December 1, 1990, and a final report to such committees no later than December 1, 1991.

3 Study Commissioned. The commissioner of the department of environmental services shall commission a study, which shall be funded by private gifts, grants and donations, to evaluate the economic impact on the state of any fee program established for solid waste. The results of the study shall be published and made available to the governor, the general court and the public on or before July 1, 1991. The study shall include, but not be limited to:

I. A survey of similar present and proposed legislation in other states and Congress.

II. State revenues and expenditures resulting from any proposed fee program.

III. The economic impact on:

- (a) Consumers, manufacturers and distributors.
- (b) The retail and wholesale markets.
- (c) Municipalities and solid waste districts, relative to solid waste reduction and additional funding for solid waste management.

IV. Effect on the overall state economy.

V. Implementation and methodology of a fee program.

VI. Investigation of financial penalties relative to disposal costs, if the quantifiable waste reduction goals established by CONEG's Northeast Source Reduction Council are not met.

VII. A list of materials which the agency will consider as not recyclable and not meeting CONEG's Northeast Source Reduction Council's established goals.

VIII. Conclusions and recommendations.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill creates a task force to establish voluntary agreements relative to reducing and recycling the solid waste stream. The task force is to issue a progress report no later than April 1, 1990 and an interim report to the house environment and agriculture committee and the senate development, recreation and environment committee no later than December 1, 1990, and a final report no later than December 1, 1991.

This bill also requires the commissioner of the department of environmental services to commission a study, which shall be privately funded, to evaluate the economic impact solid waste fee programs have on the state.

Amendment adopted.

Ordered to third reading.

HB 108-FN, licensing massage practitioners and massage establishments. OUGHT TO PASS WITH AMENDMENT.

This bill updates the outmoded language of the current law licensing massage parlor and practitioners. It was endorsed by both the Division of Public Health and the Advisory Board on Massage Practitioners. The amendment more clearly defines massage establishments. There would be no fiscal impact per Division of Public Health. Vote 14-1. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Amendment

Amend the bill by replacing the section heading of section 1 with the following:

1 Revised Licensing Chapter. RSA 328-B is repealed and reenacted to read as follows:

Amend RSA 328-B:2, VII and VIII as inserted by section 1 of the bill by replacing them with the following:

VII. "Massage establishment" means a place licensed by the director under RSA 328-B:6, II where massage is performed for compensation. A massage practitioner may visit a client's private residence for the purpose of conducting a massage so long as no more than one client is serviced during the visit at any one time.

VIII. "Massage practitioner" means a licensed individual who performs massage for compensation in a licensed massage establishment or a client's residence as provided in paragraph VII.

Amend RSA 328-B:4, VII as inserted by section 1 of the bill by inserting after subparagraph (i) the following new subparagraph:

(j) The establishment of an advisory board approved program of continuing education for licensees which shall require 12 hours of study over a 2-year period for completion before license renewal every 2 years.

Amend the introductory paragraph of RSA 328-B:5 as inserted by section 1 of the bill by replacing it with the following:

328-B:5 Advisory Board of Massage Practitioners. The director shall establish the advisory board of massage practitioners. The board shall consist of 3 massage practitioners who are licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so that the term of one member expires each year, and they shall hold office until successors are appointed. In no event shall a member serve more than 2 full consecutive terms. The board shall:

Amend RSA 328-B:6, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Has not been convicted in New Hampshire or in any other state of any sexually-related crime or a crime involving moral turpitude for the 10 years immediately preceding the date of application.

Amend RSA 328-B:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Is convicted of any sexually-related crime or a crime involving moral turpitude; or

Amendment adopted.

Ordered to third reading.

HB 105-FN, relative to licensing lay-midwives. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: From the statistical evidence there seems to be no major problem that would justify imposing legislative restrictions upon a group that seems to be functioning quite well. It is important to maintain the option for women. If licensing is mandated, the number of midwives practicing in New Hampshire will more than likely decrease, which would have an impact particularly on poor women and women living in rural areas. Vote 13-1. Rep. Stephanie K. Micklon for the Majority of Health, Human Services and Elderly Affairs.

MINORITY: Many citizens believe lay-midwives are professional nurses (RNs) which they are not. The Health Department cooperated with a committee, including lay and RN midwives, in developing criteria for lay-midwife practice in 1981. Certification was voluntary. The Health Department has no legal right to take action on repeated malpractice. Passage of this bill would give power to the Health Department to require licensure or certification. Rep. Katherine D. Foster for the Minority of Health, Human Services and Elderly Affairs.

Rep. Katherine Foster spoke against the report.

(Speaker Scamman in the Chair)

Rep. Katherine Wheeler spoke in favor of the report.

Resolution adopted.

HB 670-FN, relative to public accommodation of physically handicapped persons. OUGHT TO PASS.

This bill prohibits discrimination against physically handicapped people in places of public accommodation. It defines the term "place of public accommodation." It applies to any building or facility constructed specifically as a "place of public accommodation" on or after January 1, 1992, or when the estimated total costs for remodeling exceed 25% of the building's fair market value. Vote 14-0. Rep. Toni Pappas for Health, Human Services and Elderly Affairs.

Ordered to third reading.

HB 674-FN, relative to the community spouse under the Catastrophic Aid Act. OUGHT TO PASS WITH AMENDMENT.

This bill would have adopted the maximum amounts allowed by federal law (the Medicare Catastrophic Coverage Act) for monthly income and resource reserves to a community-based husband or wife of a nursing home resident. The Federal Health Care Financing Administration still has not promulgated final rules on the program

and the Division of Human Services has adopted interim rules which implement the minimum amounts for income and resources (the amounts provided for in the state's current biennial budget). The Committee plans to review the program's implementation to see how community spouses are assisted and will look at protected levels of income and resources at that time. By amendment, the Committee requires the Division to report no later than April 15, 1990. Vote 15-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the Catastrophic Aid Act.

Amend the bill by replacing all after the enacting clause with the following:

1 Study and Report Required. The division of human services, department of health and human services, shall study the provisions of the Federal Catastrophic Aid Act relating to spousal impoverishment including, but not limited to, the effectiveness of such provisions and the minimum and maximum resource allowances. The division shall prepare a report and present it to the chairperson of the house health, human services and elderly affairs committee no later than April 15, 1990.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the division of human services, department of health and human services to study the provisions of the Federal Catastrophic Aid Act relating to spousal impoverishment. The division is to prepare a report and present it to the chairperson of the house health, human services and elderly affairs committee no later than April 15, 1990.

Amendment adopted.

Ordered to third reading.

HB 348-FN, establishing a committee to study damages from construction.
ought to pass with amendment.

House Bill 348 would alleviate the problem of the infinite period of liability which the construction industry is subject to at the moment by setting up a 10-year statute of repose after which time architects and others involved in the planning, design and construction of real estate would not be liable. The object here is to balance the interests of these groups with those of potential litigants. Vote 11-4. Rep. Elizabeth D. Lown for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to damages from construction.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that, under current law, builders, designers, architects and others in the building trade are subject to an almost infinite period of liability. This period of liability, based on the discovery rule, particularly affects the building industry and will eventually have very serious adverse effects on the construction of improvements to real estate in New Hampshire. Therefore, it is in the public interest to set a point in time after which no action may be brought for

errors and omissions in the planning, design and construction of improvements to real estate. This act is determined to be in the public interest and to promote and balance the interests of prospective litigants in cases involving planning, design and construction of improvements to real property.

2 Damages from Construction. RSA 508:4-b is repealed and reenacted to read as follows:

508:4-b Damages from Construction.

I. Except as otherwise provided in this section, all actions to recover damages for injury to property, injury to the person, wrongful death or economic loss arising out of any deficiency in the creation of an improvement to real property, including without limitation the design, labor, materials, engineering, planning, surveying, construction, observation, supervision or inspection of that improvement, shall be brought within 10 years from the date of substantial completion of the improvement, and not thereafter.

II. The term "substantial completion" means that construction is sufficiently complete so that an improvement may be utilized by its owner or lawful possessor for the purposes intended. In the case of a phased project with more than one substantial completion date, the 10-year period of limitations for actions involving systems designed to serve the entire project shall not begin until all phases of the project are substantially complete.

III. If an improvement to real property is expressly warranted or guaranteed in writing for a period longer than 10 years, the period of limitation set out in paragraph I shall extend to equal the longer period of warranty or guarantee.

IV. In all actions for negligence in design or construction described in paragraph I, the standard of care used to determine negligence shall be the standard of care applicable to the activity giving rise to the cause of action at the time the activity was performed, rather than a standard applicable to a later time.

V.(a) The limitation set out in paragraph I shall not apply to actions involving fraudulent misrepresentations, or to actions involving the fraudulent concealment of material facts upon which a claim might be based. Such actions shall be brought within 10 years after the date on which all relevant facts are, or with due care ought to be, discovered by the person bringing the action.

(b) The 10-year limitation period in paragraph I shall not apply to actions arising out of any deficiency in the design, labor, materials, planning, engineering, surveying, observation, supervision, inspection or construction of improvements which are for nuclear power generation, nuclear waste storage, or the long-term storage of hazardous materials.

VI. Nothing in this section shall affect the liabilities of a person having actual possession or control of an improvement to real property as owner or lawful possessor thereof, and nothing contained in this section shall alter or amend the time within which an action in tort may be brought for damages arising out of negligence in the repair, maintenance or upkeep of an improvement to real property.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill extends the 6-year statute of limitations on actions to recover damages resulting from the construction of property to 10 years and to actions dealing with deficiencies in the surveying, engineering, or inspection of construction and the mate-

rials and labor used in construction. The 10-year period begins when the construction is substantially completed.

Amendment adopted.

Rep. Thomas Gage offered an amendment and spoke to it.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 Applicability. Section 2 of this act shall apply only to actions arising on or after the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 614-FN, relative to public welfare fraud. INEXPEDIENT TO LEGISLATE.

This bill came before the Committee, apparently in response to problems which have occurred in Merrimack County. The majority of the Committee felt that the subject of the bill is currently covered fully by RSA 637:4, the section on theft by deception. No special section is required to outlaw local welfare fraud where the elements of the crime are already covered by RSA 637:4. Vote 11-5. Rep. Peter Hoe Burling for Judiciary.

Resolution adopted.

HB 759-FN, relative to electronic surveillance in drug investigations; bail for drug offenders; telephonic search warrants; and deposition and discovery. OUGHT TO PASS WITH AMENDMENT.

This bill directs the Attorney General to set guidelines and authorize County Attorneys who meet them to give police, who are investigating drug cases, permission to wear an electronic surveillance device during a suspected drug transaction. The amended bill leaves the ultimate responsibility for such authorizations with the state's top law enforcement officer, the Attorney General. Vote 13-3. Rep. Robert H. Lockwood for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to electronic surveillance in drug investigations.

Amend the bill by replacing all after the enacting clause with the following:

1 Electronic Surveillance in Drug Investigations. Amend RSA 570-A:2, II(e) and (f) to read as follows:

(e) *Where the offense under investigation is defined in RSA 318-B, the attorney general may delegate his authority under RSA 570-A:2, II(d) to a county attorney. Said county attorney may exercise this authority only in the county where he serves. The attorney general shall, prior to the effective date of this section, adopt specific guidelines under which the county attorney may give authorization for such interceptions. Any county attorney may further delegate his authority under this section to any assistant county attorney in his office.*

[(e)](f) An officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

[(f)](g) Any law enforcement officer, when conducting investigations of or making arrests for offenses enumerated in this chapter, to carry with him on his person an electronic, mechanical or other device which intercepts oral communications and transmits such communications by radio.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the attorney general to delegate his authority to approve electronic surveillance in drug investigations to county attorneys.

Amendment adopted.

Ordered to third reading.

HB 280-FN, relative to the liability of co-employees in workers' compensation. INEXPEDIENT TO LEGISLATE.

This bill was addressed in HB 681, Chapter 294, Laws of 1989. Vote 9-2. Rep. George W. Wright for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 732, relative to family and catastrophic medical leave standards. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: In the collective wisdom of the Committee, it found HB 732 Inexpedient to Legislate due to a gross injustice to both the employer and employee. The employer could not afford the cost of such a family leave law, nor could the majority of employees afford to take the time off from work. This bill was thoroughly researched and a compromise could not be reached by the full Committee. Vote 8-3. Rep. Larry G. Elliott for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The Committee members in favor of this extremely moderate bill see this Committee vote as another missed opportunity to help the family. Reps. Daniel Toomey, John E. Splaine and Jeffrey R. Woodburn for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Vivian Barry moved that the report of the minority, Ought to Pass, be substituted for the report of the majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Hawkins and Dow spoke against the motion and yielded to questions.

Rep. Toomey spoke in favor of the motion.

Substitute motion lost.

Resolution adopted.

HB 190-FN-A, relative to conflicts between municipal budget law and collective bargaining negotiations. OUGHT TO PASS WITH AMENDMENT.

A recent court decision highlighted a potential conflict between Collective Bargaining Statutes and the Municipal Budget Law. The purpose of this bill, as amended, is to eliminate this potential conflict and clarify the law. Vote 8-5. Rep. Paul A. Golden for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent.

1. The general court finds that literal application of the so-called "10 percent" rule of RSA 32:8, in municipalities operating under the municipal budget law, can give the budget committee complete veto authority over cost items in a negotiated agreement, thus depriving the voters of the authority to fund the agreement; that such

veto authority wrongfully undermines the collective bargaining process, and deprives the voters of their legislative authority; and that budget committee recommendations with respect to such agreements should be advisory only, and of no binding effect.

II. The general court also finds that in school districts and towns with a town meeting form of government, the dispute resolution procedure prescribed by RSA 273-A:12 is often subverted and evaded, in that an impasse in negotiations often persists throughout the submission of the budget to the voters at the annual town or district meeting, without the making of a neutral fact-finder's report, or submission of the cost items in that report to the voters, and only later are such cost items submitted to voters at a special meeting. The general court finds that because of limited attendance at such special meetings, this practice dilutes and reduces the effective authority of the voters over appropriations, and that therefore special meetings should not be held for the purpose of appropriating such cost items unless the dispute resolution procedure of RSA 273-A:12 has been followed with respect to the annual meeting.

2 Collective Bargaining Not an Emergency. Amend RSA 31:5, I to read as follows:

I. No money shall be raised or appropriated or shall any appropriation previously made be reduced or rescinded at any special town meeting except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of legal voters borne on the checklist of the town at the annual or biennial election next preceding such special meeting; and such checklist shall be used at any meeting upon the request of 10 legal voters of the town. This section shall not apply to money to be raised for the public defense or any military purpose in time of war. In case an emergency arises requiring an immediate expenditure of money, the selectmen may petition the superior court for permission to hold a special town meeting which, if granted, shall give said meeting the same authority as that of an annual town meeting. *Reaching a negotiated agreement through collective bargaining pursuant to RSA 273-A shall not be deemed to constitute an emergency under this section, unless, at the annual meeting preceding the proposed special meeting, the parties complied with RSA 273-A:12 concerning dispute resolution, including submitting a neutral fact-finder's cost item recommendations to the legislative body at the annual meeting pursuant to RSA 273-A:12, III.*

3 New Section; Collective Bargaining Agreements. Amend RSA 32 by inserting after section 8 the following new section:

32:8-a Collective Bargaining Agreements. In cases where purposes in a budget, or portions of a budget, constitute cost items which are subject to collective bargaining pursuant to RSA 273-A, the cost items of the negotiated agreement, or, in the case of a dispute, the recommendations of the neutral fact-finder as provided in RSA 273-A:12, III, shall be submitted to the budget committee and considered in its budget preparation under RSA 32:5. If the budget committee decides not to recommend any part of such cost items, the entire set of cost items shall be placed in a separate warrant article, which shall be exempt from the limitation on appropriations provided in RSA 32:8, and which shall be prepared in accordance with rules adopted by the commissioner of revenue administration, pursuant to RSA 541-A, including a column for the cost items in the negotiated agreement or fact-finders report, and a separate column for the budget committee's recommendations.

4 Cross-Reference Added. Amend RSA 32:9 to read as follows:

32:9 By Special Meetings. So long as the provisions of this chapter shall remain in force in any town no appropriation shall be made at any special meeting for any purpose not approved by the budget committee and no increase of more than 10

percent above the amount approved by the budget committee shall be made, *except as provided by RSA 32:8-a*.

5 Collective Bargaining Not an Emergency. Amend RSA 197:3, I to read as follows:

I. No school district at any special meeting shall raise or appropriate money nor reduce or rescind any appropriation made at a previous meeting, unless the vote thereon is by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of voters of such district entitled to vote at the regular meeting next preceding such special meeting; and, if a checklist was used at the last preceding regular meeting, the same shall be used to ascertain the number of legal voters in said district; and such checklist, corrected according to law, may be used at such special meeting upon request of 10 legal voters of the district. In case an emergency arises requiring an immediate expenditure of money, the school board may petition the superior court for permission to hold a special district meeting, which, if granted, shall give said district meeting the same authority as an annual district meeting. *Reaching a negotiated agreement through collective bargaining pursuant to RSA 273-A shall not be deemed to constitute an emergency under this section, unless, at the annual meeting preceding the proposed special meeting, the parties complied with RSA 273-A:12 concerning dispute resolution, including submitting a neutral fact-finder's cost item recommendations to the legislative body at the annual meeting pursuant to RSA 273-A:12, III.*

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that cost items subject to collective bargaining, cost items of negotiated agreements, or recommendations of neutral fact-finders be submitted to the town budget committee. If the budget committee decides not to recommend any part of such cost items, all cost items shall be placed in a separate warrant article at town meeting.

Amendment adopted.

Rep. Grodin moved that the words, Refer for Interim Study, be substituted for the report of the Committee. Ought to Pass with Amendment.

Motion adopted.

HB 552-FN, relative to assessment of conservation lands. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows property owners to designate property (no minimum acreage), in perpetuity, for purposes of natural resource conservation. The property must be granted to a federal, state, county, local or other governmental body, or to a charitable, educational, or other nonprofit corporation or association established for the purposes of natural resource conservation. Vote 15-0. Rep. Katherine H. Metzger for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter. Amend RSA by inserting after chapter 79-A the following new chapter:

CHAPTER 79-B

CONSERVATION RESTRICTION ASSESSMENT

79-B:1 Declaration of Intent. It is the declared intent of this chapter to provide for a fair, consistent and equitable method of municipal assessment of conservation restric-

tion land based upon the conservation uses to which the land is perpetually limited. In addition, it is the declared intent of this chapter to further assist in the preservation of open space in this state in the public interest by promoting the granting and acquisition of permanent conservation restrictions on such open space land.

79-B:2 Definitions. In this chapter:

I. "Assessing official" means the assessing authority of any town, city or unincorporated place.

II. "Board" means the current use advisory board established by RSA 79-A:3.

III. "Commissioner" means the commissioner of the department of revenue administration.

IV. "Conservation restriction" means a permanent restriction of open space land by deed granted in perpetuity, as defined by RSA 477:75, I, to a federal, state, county, local or other government body, or to a charitable, educational, or other nonprofit corporation or association established for the purposes of natural resource conservation.

V. "Developed land" means any land, regardless of whether or not it is subject to a conservation restriction, upon which structures or improvements have been introduced for residential, commercial, or industrial purposes or any commercial mining or excavating purposes inconsistent with its use as open space land.

VI. "Inconsistent use penalty" means that amount paid to the municipality under RSA 79-B:6, in addition to any civil penalties which may accrue to the landowner who violates the terms of the conservation restriction.

VII. "Open space land" means any or all farm land, forest land, wetland, recreation land, flood plain, or wild land, as defined by RSA 79-A:2, III, IV, V, XII and XIII and by rules adopted by the board.

VIII. "Owner" means the person or entity which is the owner of record of any land.

IX. "Restricted land" means any undeveloped open space land subject to a conservation restriction.

79-B:3 Assessment of Open Space Land Subject to Conservation Restriction.

I. Except as provided in this chapter, the selectmen or assessing officials shall assess restricted land for general property tax purposes at values based upon permanent restrictions, and in no case greater than the assessments for open space land determined by the board. Should RSA 79-A no longer be in effect, the basis for restricted land assessment shall be upon the permanently restricted uses of the land.

II. This section shall not apply to developed land.

79-B:4 Procedure for Application.

I. The provisions of this chapter shall not apply to the assessment of restricted land for any tax year unless the owner shall have applied to the assessing officials to have his lands so classified on or before April 15 of said year on a form provided by the commissioner. There shall be no minimum acreage requirement for classification of restricted land.

II. The assessing officials shall notify the applicant on a form provided by the commissioner no later than July 1 first of their decision to classify or refusal to classify the applicants' land by delivery of such notification to the applicant in person or by mailing such notification to his last and usual place of abode.

III. The owner of restricted land shall not be required to reapply for such classification for each succeeding tax year after it has been determined by the assessing officials that his land qualifies for such classification. A list of all classified lands and

their owners in each town or city shall be filed by the respective assessing officials each year. Such a list shall be part of the invoice and subject to inspection as provided in RSA 76:7.

IV. The assessing officials shall file with the register of deeds in the appropriate county, on or before August 1 in each year, a list of all parcels of land classified under the provisions of this chapter. If a parcel of land is classified as restricted land after such date, the assessing officials shall file notice of said classification with the register of deed in the appropriate county within 14 days of the classification. The list filed pursuant to this paragraph shall be on a form provided by the commissioner, shall contain the name of each owner, the date of classification and a short description of each parcel of real estate, together with such other information as the commissioner may prescribe; provided, however, the assessing officials shall not file each year parcels of land classified under this chapter which have been previously filed, unless there has been some change in the acreage involved or some other change in the classification. A fee in accordance with RSA 478:17-g shall be paid by the owner for each parcel which is classified as restricted land to the local assessing officials, to be paid over to the register of deeds for recording the classification notice.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, for forms and procedures as are needed to implement this chapter and to assure a fair opportunity for owners to qualify under this chapter and to assure compliance of land uses on classified lands.

79-B:5 Appeal to Board of Tax and Land Appeals or Superior Court. If the assessing officials deny in whole or in part any application for classification as restricted land or impose the penalty as provided in RSA 79-B:6 of this chapter the applicant may appeal either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or RSA 79-A:11.

79-B:6 Inconsistent Use Penalty. In addition to any civil penalties assessed against the landowner, open space land which has been classified as restricted land pursuant to this chapter but which has been developed or put to a use violating its restricted classification shall be subjected to a penalty in addition to the annual real estate tax imposed upon such property of 10 percent of the full and true value of the portion of said land on which an inconsistent use has occurred as prescribed by RSA 75:1 without regard to the restriction. The penalty shall become due and payable to the municipality as of the date of the inconsistent use. Such developed land shall no longer qualify for assessment as restricted land under this chapter.

79-B:7 Valuation for Bonding Limit Purposes. In computing the total value of all land in a city or town, any land which is appraised at restricted land value under the provisions of this chapter shall, for all purposes, including, but not limited to, the purposes of RSA 33:4-b, be inventoried by the town or city at its restricted land value.

79-B:8 Valuation for Computing Equalized Value. In computing the equalized value of a city or town, the department of revenue administration shall use the restricted land value for any land which is so appraised under this chapter.

79-B:9 Lien for Unpaid Taxes. The real estate of every person shall be subject to a lien for the penalties and taxes levied pursuant to RSA 79-B:6.

79-B:10 Enforcement. All penalties and taxes levied pursuant to RSA 79-B:6 which are not paid when due shall be collected in the same manner as provided in RSA 80. This collection, however, shall not disqualify the remaining portion of such restricted land from future assessment under this chapter.

79-B:11 False Statement. Any person who shall make, or cause to be made, any false or fraudulent application, return or statement with the intent to defraud the towns or cities of any real property taxes which would be levied but for the provisions of this chapter shall be guilty of a violation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides for a method of municipal assessment of conservation restricted land based upon the conservation uses to which the land is perpetually limited.

Developed land would not be eligible for such an assessment.

The applicant for a restricted land assessment shall make an application on or before April 15 to the commissioner of the department of revenue administration. Once this classification is granted to such land, the owner does not have to make further application, unless the land use is changed.

Penalties for false information on the land in question are provided.

Amendment adopted.

Ordered to third reading.

HB 519-FN, relative to presite built housing. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes minimum standards for the manufacture of presite built modular buildings. It also establishes a program for third party inspection and certification of such buildings during manufacture, in accordance with rules promulgated by the Department of Safety. No costs are incurred by county or local government, and local authorities may enact standards that are more strict. Similar programs are in place in all New England states except Vermont. Vote 12-0. Rep. Michael J. Hill for State Institutions and Housing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to minimum standards for modular buildings.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The legislature finds that in order to safeguard the health, safety and welfare of the citizens of the state, there is a need for enforcement of minimum standards for regulating the production of modular buildings.

2 New Chapter; Modular Buildings. Amend RSA by inserting after chapter 205-B the following new chapter:

CHAPTER 205-C

MODULAR BUILDING STANDARDS

205-C:1 Definitions. In this chapter:

I. "Approved third party inspection agency" means an entity or organization, public or private, determined by the department to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to evaluate and certify building manufacturers and factory assembled modular construction.

II. "BOCA Basic Building Code" means the more recent edition of the BOCA Basic Building Code as recommended and maintained by the Building Officials and Code Administrators International, Inc., as amended by such updates or revisions as may be issued both before and after the effective date of this chapter.

II. "Building component" means any system, subsystem, or subassembly of closed construction designed for use in or as part of a modular building, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

IV. "Certification" means the process by which modular building manufacturers or modular construction has been evaluated to ensure conformity with the state modular construction standard and applicable rules of the department.

V. "Closed construction" means a method of manufacturing in which parts or processes are concealed and cannot be inspected at the building site without disassembly, damage, or destruction.

VI. "Department" means the department of safety.

VII. "Installation" means the assembly of modular buildings on site and the process of affixing modular buildings or building components to land, a foundation, footings, utilities, or an existing building.

VIII. "Label" means the approved insignia or seal including the name of the approved third party inspection agency that shall be affixed to a modular building or building component certified in accordance with the provisions of this chapter.

IX. "Local enforcement agency" means the agency or agencies of local government with authority to make inspections and to enforce the laws, ordinances and rules enacted by the state and by local government that establish standards and requirements applicable to the construction, alteration, or repair of buildings.

X. "Manufacturing facilities" means the place at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming or assembling modular buildings.

XI. "Modular building" means any building of closed construction, which is made or assembled in manufacturing facilities off the building site, for installation, or assembly and installation, on the building site. This definition shall not be construed to include any structure labeled in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, nor shall it include any recreational vehicle or park trailer as defined in American National Standards Institute A119.2, Standard for Recreational Vehicles, or A119.5, Standard for Park Trailers, or any building type not subject to the requirements of nationally recognized model building codes.

XII. "National Electrical Code" means the most recent edition of the National Electrical Code as recommended and maintained by the Building Officials and Code Administrators International, Inc., as amended by such updates or revisions as may be issued both before and after the effective date of this chapter.

XIII. "Person" means any individual or organized group of any kind, including partnerships, corporations and other forms of association, as well as federal, state or local instrumentalities, political subdivisions, or officers.

205-C:2 Modular Building Standard.

I. All modular buildings and building components installed in New Hampshire on or after the effective date of the rules adopted by the department pursuant RSA 541-A shall comply with the BOCA Basic Building Code and the National Electrical Code.

II. All modular buildings and building components bearing a label of certification pursuant to the requirements of this chapter shall be deemed by local enforcement agencies as meeting the BOCA Basic Building Code and the National Electrical Code. Such certification however, shall not be deemed to preempt enforcement of any

state or local standards governing installation or work performed on the building site, including but not limited to site grading, foundations, driveways, on-site water and sewer systems or connections to off-site systems, and electrical line connections to the power source.

III. Nothing in this chapter shall be construed as amending, repealing or superseding any other state or local law, ordinance, code or regulation, and all modular buildings and building components shall comply with all applicable state or local building requirements that exceed the BOCA Basic Building Code or the National Electrical Code, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

205-C:3 Certification Required. No person shall sell, lease, or install for use in this state any modular building or building component manufactured after the effective date of the rules adopted by the department pursuant to this chapter, unless such building or building component bears a label of certification issued by the department.

205-C:4 Rulemaking. The department shall adopt rules under RSA 541-A relative to:

I. Requirements for approval of third party inspection agencies by the department.

II. Requirements for approved third party inspection agency certification of the manufacturing facilities of any person who engages in the business of manufacturing modular buildings or building components for installation in this state.

III. Requirements for approved third party inspection agency certification and labeling or modular buildings and building components for sale, lease or installation in this state.

IV. Investigation of complaints of non-compliance.

V. Enforcement procedures, including standards for revocation and suspension of certification.

VI. Imposition and collection of fees, administrative fines, and penalties.

VII. Standards and requirements in interagency agreements.

205-C:5 Interagency Coordination.

I. The department may issued a label of certification to modular buildings or building components that have been certified by an agency of the federal government or component authority within another state, if the departments finds that such certification is granted on the basis of a standard which is equivalent or more stringent than required under RSA 205-C:2.

II. The department may enter into interagency agreements with any other department or agency of state government necessary or appropriate for administration of this chapter.

205-C:6 Fees. The department shall by rule establish fees to defray the costs of administering this chapter. Such rules shall specify fees for the certification of third party inspection agencies by the department; certification of manufacturing facilities by approved third party inspection agencies; and certification of modular buildings and building components by approved third party inspection agencies.

205-C:7 Enforcement.

I. The department shall investigate or cause to be investigated all complaints made to it alleging non-compliance with the requirements of this chapter.

II. Where the departments finds that a manufacturer, modular building or building component does not conform to the requirements of this chapter or applicable rules, the department may obtain injunctive relief from a court of competent jurisdiction to enjoin the sale, lease, delivery or installation in this state of any or all modular buildings or building components manufactured by the person in violation.

III. Where the department finds that an approved third party inspection agency, manufacturer, modular building or building component does not conform to the requirements of this chapter or applicable rules, the department may suspend or revoke its certification, including any certification granted through an approved third party inspection agency acting on behalf of the department. Under no circumstances shall the offender be eligible for reinstatement until the department has confirmed that the agency, manufacturer, system, building or component in question is in full compliance with the requirements of this chapter and applicable rules.

IV. Additional fines, penalties, and remedies for violations of this chapter shall be the same as for violations of RSA title LX, as stated in RSA 676:15 and 676:17.

V. The building inspector or other local official with the authority to enforce building or land use regulations or codes may enforce the provisions of this chapter. A copy of the compliant or petition shall be sent, by certified mail, to the department on or before the date upon which it is filed.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 216-FN, requiring emissions control inspections of motor vehicles. INEXPEDIENT TO LEGISLATE.

This bill would have established an annual motor vehicle emissions inspection program covering the entire state for all private passenger vehicles. By a vote of 12-3, the Committee did not recommend passage at this time as the signals from Washington regarding motor vehicle emissions standards are not clear. A bill may be proposed in the 1991 session to better mirror the concerns of Congress. Rep. Roger Stewart for Transportation.

Rep. Haynes moved HB 216 be recommitted to the Committee on Transportation.

Motion adopted.

HB 233, prohibiting the transportation of persons and domesticated pets in open bed trucks. INEXPEDIENT TO LEGISLATE.

The majority of the Committee felt that there was not a serious problem in the state with pickup trucks. With the increase in child seat belt restraints to 12 years those children under 12 could not ride in the rear of an open bed truck, therefore the Committee recommends the bill be Inexpedient to Legislate. Vote 8-7. Rep. Richard D. Haynes for Transportation.

Resolution adopted.

HB 665-FN, establishing an advisory board on boating. OUGHT TO PASS WITH AMENDMENT.

This bill as amended, establishes a surface waters control board composed of five members from state agencies and four members appointed by the Governor and Council from certain other entities. The board shall have jurisdiction to make decisions on surface water use, and shall recommend legislation when necessary to change statutory restrictions imposed on the lakes and ponds and shall be under the

administrative control of the Office of the Governor. An appropriation of \$25,000 is requested for this biennium. Vote 13-3. Rep. George N. Katsakiores for Transportation.

Rep. Haynes moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass with Amendment.

Adopted.

HB 220-FN, relative to managing tax supported state debt. **OUGHT TO PASS WITH AMENDMENT.**

This bill restricts state general fund indebtedness to 75 percent of general fund revenue, by limiting the Legislature from authorizing additional capital projects requiring bonding when this limit will be exceeded. This limit may be overridden by a two-thirds vote of the Legislature. New Hampshire is one of only four states which has no statutory or constitutional restrictions on indebtedness. This bill would help maintain a sound fiscal climate by limiting debt payment and improving our bond rating, and is similar to legislation previously passed by the House. The amendment fine-tunes the definitions in the bill. Vote 15-0. Rep. Robert C. Hayes for Ways and Means.

Amendment

Amend the introductory paragraph of RSA 6-B:5 as inserted by section 1 of the bill by replacing it with the following:

6-B:5 Definition. In this subdivision, "tax supported debt" of the state means the principal amount of any bonds, notes, including capital notes, loans, leases in excess of 5 years or other evidence of indebtedness, excluding refinanced debt, which has been authorized but not yet repaid or otherwise cancelled, for whatever period or purpose incurred, for which debt service payments are either:

Amend RSA 6-B:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Guaranteed by the state, unless, and then only to the extent that:

(a) Specific revenues are segregated or pledged for such debt service payments; or

(b) The indebtedness giving rise to such debt service payments is otherwise self-supporting.

Amend RSA 6-B:7 as inserted by section 1 of the bill by replacing it with the following:

6-B:7 Treasurer's Certification. The treasurer shall certify to each house of the general court on the fifteenth day of March and September and at other such times as may be requested by either the president of the senate or the speaker of the house, the current amount of the authorized tax supported debt of the state as of the first day of that month.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall July 1, 1990.

AMENDED ANALYSIS

This bill requires the general court to limit the amount of new tax supported debt into which the state may enter for any fiscal year, when added to previously authorized tax supported debt, to 75 percent of the unrestricted general fund revenues at the

end of the most recent fiscal year. It requires the treasurer to give the legislature a semi-annual account of the amount of the state's tax supported debt.

The bill also requires the legislative budget assistant to attach to all bills with a fiscal impact a note describing the amount of tax supported indebtedness the bill would establish. Bills appropriating funds for capital improvements will now need fiscal notes.

Amendment adopted.

Referred to Appropriations.

(Deputy Speaker Burns in the Chair)

HB 412-FN-A, relative to a maximum deduction for compensation for business organizations under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

For years, the Committee has searched for a way to expand the base of the Business Profits Tax. The latest attempt is this bill, which as amended eliminates the compensation deduction which has allowed many businesses to avoid paying the tax, and instead substitutes a credit based on the number of employees. In its current form, the Committee believes HB 412 is revenue neutral. There will be a motion to table the bill to allow the Committee to request an opinion from the Supreme Court on the constitutionality of the tax credit provision. With this guidance from the court, the Committee will continue to explore ways to make the Business Profits Tax more equitable. Vote 17-0. Rep. Frederick G. Ahrens for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to provide tax credits for employees under the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that unemployment is increasing in this state and is likely to continue to increase for several years. The general court declares that it is in the interest of this state to encourage employment by providing an incentive to employers in the form of a uniform credit for each employee against taxes imposed under the business profits tax. The general court further finds that only a small proportion of business organizations subject to the business profits tax in fact pay that tax. The general court declares that it is in the interest of this state for the burden of its business profits tax to be spread among more of the business organizations already subject to that tax by eliminating the deduction for wages, salaries or other compensation for all business entities.

2 New Paragraph; Compensated Service and New Hampshire Employee Defined. Amend RSA 77-A:1 by inserting after paragraph XX the following new paragraphs:

XXI. "Compensated service" means personal services for which remuneration is received in the form of wages, as defined in RSA 282-A:15.

XXII. "New Hampshire employee" means an individual whose personal services to any business organization constitute employment as defined in RSA 282-A:9 or agricultural labor as defined in RSA 282-A:19.

3 New Paragraph; Addition to Gross Business Profits. Amend RSA 77-A:4 by inserting after paragraph XIV the following new paragraph:

XV. In the case of a business organization which takes any deduction for wages, salaries or other compensation for personal services actually rendered by employees, an addition to gross business profits for the amount of all such deductions.

4 New Paragraph; Credit for New Hampshire Employees. Amend RSA 77-A:5 by inserting after paragraph V the following new paragraph:

VI. The sum of the following credits:

(a) \$2,800 for each New Hampshire employee rendering 1,800 or more hours of compensated service to the business organization during the period for which a return must be filed under this chapter.

(b) A prorata share of the credit provided in subparagraph (a), based upon the number of hours of compensated service, for each New Hampshire employee rendering less than 1,800 such hours to the business organization during the period for which a return must be filed under this chapter.

(c) \$2,800 for each proprietor actually devoting 1,800 or more hours to the operation of the enterprise.

(d) A prorata share of the credit provided in subparagraph (c), based upon the number of hours actually devoted to the operation of the enterprise, for each proprietor devoting less than 1,800 such hours during the period for which a return must be filed under this chapter.

5 Credit Carried Forward. The unnumbered concluding paragraph of RSA 77-A:5 is repealed and reenacted to read as follows:

Provided, that the total amount of any such credit allowed shall not exceed the tax due under this chapter, except that the unused portion of the credit provided in paragraph VI may be carried forward for 5 years following the year in which the credit was generated. The total amount of any such credit carried forward shall not exceed \$20,000 per year or \$100,000 in total.

6 New Subparagraph; Rulemaking Authority. Amend RSA 77-A:15, II(a) and (b) to read as follows:

(a) The administration of the business profits tax[; and].

(b) The recovery of any tax, interest on tax, or penalties imposed by RSA 77-A.

(c) The computation of the prorated share of the credit provided in RSA 77-A:5, VI(b) and (d).

7 Repeal. RSA 77-A:4, III, relative to the deduction for fair and reasonable compensation for personal services, is repealed.

8 Effective Date. This act shall take effect July 1, 1990, and shall apply to returns and taxes due on account of taxable periods beginning after June 30, 1990.

AMENDED ANALYSIS

This bill amends the business profits tax by:

(1) Eliminating the deduction from gross business profits for all wages and salaries.
(2) Adding definitions for "compensated services" and "New Hampshire employee."

(3) Allowing credits against the tax due under RSA 77-A which equals the sum of:

(a) \$2,800 for each New Hampshire employee rendering 1,800 or more hours of compensated service to the business organization during the period for which a return must be filed, and

(b) \$2,800 for each proprietor actually devoting 1,800 or more hours in the operation of the enterprise. The credits are prorated for less than 1,800 hours service, and may be carried forward for 5 years following the year in which the credit was generated, with dollar limits on the total amount carried forward.

Rep. Sytek spoke in favor of the amendment.

Amendment adopted.

Rep. Cowenhoven moved that HB 412 be Laid on the Table.
Adopted.

HB 419-FN-A, to impose a capital gains tax on speculative land sales. REFER FOR INTERIM STUDY.

The bill was considered to have merit for possible preservation of forest lands and source of new revenue, however, it appears more study is necessary for more comprehensive data. The Fiscal Note calls for state expenditures of \$32,325 in FY90 and \$27,065 in FY 91. Vote 12-3. Rep. Earle D. Hardy for Ways and Means.

Motion adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Copenhaver moved that the House reconsider its action whereby it ordered to third reading HB 393, requiring the state of New Hampshire to make timely payments on its contracts, and spoke to her motion.

Reconsideration failed.

(Speaker Scamman in the Chair)

Rep. LaMott moved that the Joint Rules be so far suspended as to permit the introduction of a bill relative to capital improvements at the Police Standards and Training Council, and seek the concurrence of the Honorable Senate in such suspension.

On a division vote, 66 having voted in the affirmative and 265 in the negative, the motion failed.

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on January 18 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 363-FN, relative to the issuing of trapping licenses.

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts.

HB 575-FN, relative to campaign financing.

HB 514, relative to rulemaking authority of the director, division of public health services.

HB 723-FN, regarding the acid rain control act.

HB 745-FN, relative to the hazardous material transportation advisory board.

HB 746-FN, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees.

HB 108-FN, licensing massage practitioners and massage establishments.

HB 670-FN, relative to public accommodation of physically handicapped persons.

HB 674-FN, relative to the Catastrophic Aid Act.

HB 348 FN, relative to damages from construction.

HB 759-FN, relative to electronic surveillance in drug investigations.

HB 552-FN, relative to assessment of conservation lands.

HB 519-FN, relative to minimum standards for modular buildings.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 4:35 p.m.

HOUSE JOURNAL No. 4

Thursday, January 18, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend John Beal of the Trinity Baptist Church, Londonderry, guest of Rep. Eunice Campbell of Derry.

O God, Creator of all the ends of the earth and Father of all men, behold Thy broken family. Have pity on our tensions, our suspicions, our perplexities. May the spirit move mightily upon the hearts and minds of all who guide the stream of history. Especially guide the leaders of all nations that they and we may move swiftly and strongly to establish peace. Surprise us with new wisdom, that we may have clean and sound public policies, and the courage to put them into action. Give wisdom from above to all assembled here, in order that all of their deliberations and decisions may benefit the people of this State. Guide our feet in the way of peace through the Prince of Peace. Amen.

Rep. Bourque led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Felch, Grip, Hynes, Kincaid, Lachance, Maviglio, Morrisette, Rosenrantz, Sanderson, Soucy and Wall, the day, illness.

Reps. Lionel Boucher, Callaghan, Daigle, Foss, Beverly Gage, Mace, Markley, Simon, Skinner, Stamatakis, Teague and Vaughn, the day, important business.

INTRODUCTION OF GUESTS

Mary and Bill Foley, Phyllis Raynowska, guests and wife of Rep. Raynowska; Sandy Roulston, wife of Rep. Roulston; Joseph and Ruth Gehling, Tyler and Eileen Hunt, guests of Rep. Hunt; Col. and Mrs. B. A. Finkle and Anne Larson of Bridgewater, guests of Rep. Larson; J.P. Morrison, chairman, Bristol Board of Selectmen, guest of Rep. Shackett.

SENATE MESSAGES

CONCURRENCE

HCR 20, adopting joint rules for the 1990 Legislative Session.

REQUESTS CONCURRENCE

SB 301-FN, relative to licensing commercial vehicle drivers.

SB 302, relative to the Mount Washington Commission.

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns.

SB 314-FN, relative to the New Hampshire energy authority.

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor.

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor.

SB 352-FN, relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants.

SB 370, authorizing the reinstatement of previously discontinued highways within a town by a vote on an article in the warrant.

SB 378-FN, making technical amendments to the liquor laws.

SB 383-FN, relative to a vocational center in Claremont.

SB 402-FN-A, reinstating certain positions in the insurance department and making an appropriation therefor.

SB 405-FN, relative to accounting procedures and risk retention of insurance companies.

SB 407-FN, relative to the retirement eligibility of the director of the police standards and training council.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 301, 302, 305, 314, 326, 338, 340, 352, 370, 378, 383, 402, 405, and 407 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 301-FN, relative to licensing commercial vehicle drivers. (Transportation)

SB 302, relative to the Mount Washington Commission. (Executive Departments and Administration)

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns. (Constitutional and Statutory Revision)

SB 314-FN, relative to the New Hampshire energy authority. (Science, Technology and Energy)

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor. (Appropriations)

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect. (Children, Youth and Juvenile Justice)

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 352-FN, relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants. (Judiciary)

SB 370, authorizing the reinstatement of previously discontinued highways within a town by a vote on an article in the warrant. (Municipal and County Government)

SB 378-FN, making technical amendments to the liquor laws. (Regulated Revenues)

SB 383-FN, relative to a vocational center in Claremont. (Education)

SB 402-FN-A, reinstating certain positions in the insurance department and making an appropriation therefor. (Commerce, Small Business and Consumer Affairs)

SB 405-FN, relative to accounting procedures and risk retention of insurance companies. (Commerce, Small Business and Consumer Affairs)

SB 407-FN, relative to the retirement eligibility of the director of the police standards and training council. (Executive Departments and Administration)

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1167, relative to boxing, was removed at the request of Rep. Rose.

HB 1266, establishing casino gambling in New Hampshire and making an appropriation therefor, was removed at the request of Rep. Pierce.

Adopted.

HB 1291-FN, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The bill will correct an oversight made during the last session and will restore funds to cover the costs of certain permanent classified positions in the Public Utilities Commission. The amendment corrects the appropriation amount to cover the most recent pay increase and makes the bill effective on passage. Vote 14-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the bill by replacing sections 2 and 3 with the following:

2 Appropriation. The sum of \$77,609 for the fiscal year ending June 30, 1990, and the sum of \$211,489 for the fiscal year ending June 30, 1991, is appropriated to the public utilities commission for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sum appropriated in this section shall be reimbursed to the general fund through a charge against the public utilities assessment pursuant to RSA 363-A:2.

3 Effective Date. This act shall take effect upon its passage.

HB 1221-FN-A, establishing a strike force on child molestation in the department of justice and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

This bill's sponsor did not show up at the hearing and did not inform the Committee of any unusual circumstances. The only input was a negative communication from the Attorney General's Office. Vote 14-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 1365-FN, relative to second mortgage bankers and brokers. **INEXPEDIENT TO LEGISLATE.**

This bill was requested by the New Hampshire Banking Department. However, because of problems in drafting and questions that were raised, the Bank Commissioner and sponsors agreed that this legislation should be found Inexpedient to Legislate. Vote 11-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 1136, relative to filing of annual reports with the secretary of state. **OUGHT TO PASS.**

This bill allows an annual report required to be filed with the Secretary of State to be executed by any person authorized by the corporation's board of directors to execute such report. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor. OUGHT TO PASS.

This Study Committee has issued questionnaires to state agencies and summarized the findings prior to hiring a consultant (Ernst & Young) to prepare recommendations. The Study Committee should continue, with assistance from the outside objective consultant, so that it can report for the 1991 Session a comprehensive proposal for more efficient management of state data processing functions. The Fiscal Note calls for state expenditures of \$1.00 in FY90. Vote 15-1. Rep. Miriam D. Dunn for Executive Departments and Administration.

Referred to Appropriations.

HB 1213-FN, relative to terminating optional retirement allowances. INEXPEDIENT TO LEGISLATE.

The Committee has three bills dealing with the subject of optional retirement allowance: HB 1395, HB 1394 and HB 1213. The Committee will consider the subject matter of all three bills under HB 1394. Vote 15-1. Rep. Maurice E. Goulet for Executive Departments and Administration.

HB 1246-FN, relative to hazardous duty pay for state and county corrections officers. INEXPEDIENT TO LEGISLATE.

This legislation raises hazardous duty pay for state and county corrections officers from \$25 to \$60 per week. Testimony indicated that if this legislation were passed, it would substantially increase county expenditures. State expenditures would increase by a minimum of \$1,293,500. The Committee recognizes the hazardous working conditions of state and county corrections officers and also believes that hazardous pay and salary should continue to be a subject of collective bargaining. Vote 16-0. Rep. Randall F. Shaw for Executive Departments and Administration.

HB 1346-FN, to restore medical benefits for certain individuals. OUGHT TO PASS WITH AMENDMENT.

The Committee voted unanimously to provide Dr. Gibbs with uninterrupted health insurance benefits that were provided for in his initial employment contract. Vote 15-0. Rep. Beverly A. Gage for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to restore medical benefits.

Amend the bill by replacing section 1 with the following:

1 Medical Benefits Reinstated. Notwithstanding any provision of law to the contrary, the senior psychiatrist employed at New Hampshire Hospital from September 5, 1985, through June 30, 1989, shall be eligible for the state-paid insurance provided under RSA 21-I:26-36 for state employees and their families and to retired state employees, and to the beneficiaries of such employees. The state-paid insurance provided under RSA 21-I:26-36 shall be reinstated for the senior psychiatrist listed in this section on the effective date of the act.

AMENDED ANALYSIS

This bill restores state-paid medical and health insurance benefits to a senior psychiatrist formerly employed at New Hampshire Hospital.

HB 1395-FN, relative to the time for electing an optional retirement allowance. INEXPEDIENT TO LEGISLATE.

The Committee has three bills dealing with the subject of optional retirement allowance: HB 1395, HB 1394 and HB 1213. The Committee will consider the subject matter of all three bills under HB 1394. Vote 15-1. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 1001-FN, increasing agent fees for fish and game licenses. OUGHT TO PASS WITH AMENDMENT.

House Bill 1001 will allow the Fish and Game Department to increase the fee that the Department pays to its agents for selling licenses. It will be increased from 50¢ to \$1.00. The amendment changes the effective date from 60 days after passage to January 1, 1991. Vote 13-0. Rep. Albert J. Dionne for Fish and Game.

Amendment

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect January 1, 1991.

HB 1011, relative to moveable blades of hunting arrow tips. REFER FOR INTERIM STUDY.

The Committee feels that in order to determine the feasibility of legalizing moveable blades for hunting arrow tips, a working knowledge of the arrow tips is needed. Vote 17-0. Rep. Terence R. Pfaff for Fish and Game.

HB 1032-FN-A, making an annual appropriation to fund the nongame management program. INEXPEDIENT TO LEGISLATE.

The sponsors of this bill felt that HB 1032 was inappropriate to pass at this time, given the current financial situation of the state. Vote 17-0. Rep. David M. Scanlan for Fish and Game.

HB 1051-FN, relative to fur-buying licenses. INEXPEDIENT TO LEGISLATE.

Testimony presented at the hearing indicated that the legislation as introduced is unnecessary. Vote 13-0. Rep. Herbert R. Drake for Fish and Game.

HB 1081, relative to the membership of the fish and game commission. OUGHT TO PASS.

This bill adds eight towns as tidewater towns to the area for a Fish and Game Commissioner. Vote 16-1. Rep. Gerald P. Merrill for Fish and Game.

HB 1144-FN, transferring the town of Enfield from the jurisdiction of the Lebanon district court to the jurisdiction of the Hanover district court. INEXPEDIENT TO LEGISLATE.

While the Committee understands the problems which Enfield faces, it feels that the passage of this bill could easily cause as many problems as it seeks to correct. One solution would be to combine with surrounding towns for the purpose of hiring a prosecutor. This would allow their Police Chiefs to spend more time in town and less time in court acting as prosecutor. Vote 15-2. Rep. Shawn N. Jasper for Judiciary.

HB 1159, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure. OUGHT TO PASS.

This bill repeals statutes inconsistent with the New Hampshire Rules of Civil Procedure. This bill becomes law only after the Supreme Court has adopted the said Rules. Vote 17-0. Rep. Alf E. Jacobson for Judiciary.

HB 1232-FN, relative to certificate of appreciation for members of the general court. **INEXPEDIENT TO LEGISLATE.**

The intent of this legislation is laudable, but the Committee felt that members receive appropriate certificates when they are elected and it is not necessary to re-issue certificates of appreciation upon the completion of their terms. Vote 9-3. Rep. James D. Phelps for Legislative Administration.

HB 1004-FN, relative to the tax abatement procedure. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1004 is the result of hearings held last summer. These hearings were held to hear the problems forced on the Board of Tax and Land Appeals by the tremendous increase of appeals. Nearly one-third of the appeals contained errors of fact and arithmetic. These errors should be corrected in the local assessor's office and not in the office of the Board of Tax and Land Appeals. This bill if enacted into law should help reduce the load on the Board. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the bill by replacing section 2 with the following:

2 Reimbursing Filing Fee. Amend RSA 76 by inserting after section 17-a the following new section:

76:17-b Filing Fee Reimbursed. Whenever, after taxes have been paid, the board of tax and land appeals grants an abatement of taxes because of an incorrect tax assessment due to a clerical error, or a plain and clear error of fact, and not of interpretation, as determined by the board of tax and land appeals, the person receiving the abatement shall be reimbursed by the city or town treasurer for the filing fee paid under RSA 76:16-a, I.

AMENDED ANALYSIS

This bill changes the time period during which a person may apply to the selectmen or assessors for an abatement of any tax from 4 months to 60 days.

The bill also adds the new provision that if the board of tax and land appeals grants an abatement because of an incorrect tax assessment due to a clerical error, or a plain and clear error of fact, and not of interpretation, as determined by the board of tax and land appeals, the person receiving the abatement shall be reimbursed for the filing fee he paid to obtain a hearing on the abatement request.

HB 1037-FN-A, establishing a committee to recodify municipal laws and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The Committee was of the opinion it certainly would be helpful to recodify municipal laws. However, a broader view of the subject matter in the makeup of the study committee and special approaches to meet the goals together with the fact of fiscal constraints at this time resulted in its position of Inexpedient to Legislate. Vote 15-1. Rep. George M. West for Municipal and County Government.

HB 1048-FN, relative to rabies control of dogs. **OUGHT TO PASS WITH AMENDMENT.**

The State Veterinarian has requested these updating amendments to the RSA referencing rabid dogs. Rather than quarantine rabid dogs for 10 days and thereby expose other animals in the facility to potential infection, it requests the authority to destroy the infected animals immediately. Secondly, the current \$3 per day veterinary allow-

ance for handling rabid dogs is no longer realistic. A change to "necessary and reasonable cost" is requested. Third, the State Veterinarian no longer requires a copy of the vaccination certificate, formerly executed in triplicate. Duplicate documents would perform the same function, and would result in a savings to the state, both in storage space and in personnel wages. Finally, it is proposed that "veterinary hospitals/licensed Animal Shelter Facilities" as well as licensed veterinarians be allowed to enter into cooperative agreements with the local Rabies Control Authority when authorizing the establishment of pounds. Further, this bill becomes effective upon passage. Voted 12-0. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

Amendment

Amend the bill by replacing all after section 3 with the following:

4 Impoundment of Dog without Tag. Amend RSA 436:107 to read as follows:

436:107 Impoundment of Dog without Tag. The rabies control authority shall authorize a pound or pounds, or shall enter into a cooperative agreement with a licensed veterinarian, *or licensed animal shelter*, for the establishment and operation of a pound. Any dog found off the owner's premises and not wearing a valid vaccination tag shall be impounded. All impounded dogs shall be given proper care and maintenance. Each impounded dog shall be kept and maintained at the pound for a minimum of 7 days unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees and complying with the rabies vaccination requirement of this subdivision within 72 hours of release. Any vaccinated dog impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all *necessary and reasonable* impoundment fees prior to release. [The impoundment fee shall not exceed \$3 per day.] If the dog is unclaimed at the end of 7 days, the rabies control authority may dispose of the dog in accordance with applicable laws or rules. If the animal is a stray, the town shall be responsible for the expense incurred.

5 Effective Date. This act shall take effect upon its passage.

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

The restoration and preservation of the historic banners and guidons (which go back to the Civil War era) in the Hall of Flags is a worthwhile endeavor. It is a long-term project which will require large sums of money. The entire project is under study by specialists in the field of fabric preservation and restoration; no action can be taken until their detailed report and recommendations are received. HB 1058 establishes a legislative committee to be in position for such time as action is indicated, and the sum of \$1.00 is appropriated, in the event that additional funding becomes available and is requested by the oversight committee. The bill has been amended to become "effective on passage"; this action will expedite the establishment of a "flag restoration and preservation committee," which will study all aspects of the program to restore and preserve the historic flags. Vote 13-0. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

Amendment

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 1220-FN, relative to fireworks. INEXPEDIENT TO LEGISLATE.

The sponsor determined that there was no longer a valid need for this legislation and asked that it be withdrawn. Vote 13-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

HB 1303-FN, relative to volunteer firefighters. REFER FOR INTERIM STUDY.

There is a need for continued coordination between this Committee and other House Policy Committees, and the Fire Standards and Training Commission, as pertaining to state reimbursement for fire department training programs, and in the possible establishment of a New Hampshire fire academy. This can best be accomplished by permitting this Committee to retain control of the bill, until such time as financial requirements are clarified. Vote 13-0. Rep. Bruce F. Hunter for Public Protection and Veterans Affairs.

HB 1420-FN, relative to license plates for Pearl Harbor veterans. INEXPEDIENT TO LEGISLATE.

The members have no intention of overlooking the debt owed to the service personnel who were at Pearl Harbor, but the request made us very aware of the many other groups who were involved in the conflicts following December 7, 1941. Granting plates to one particular group would be unfair to others who would be denied, because issuing special plates to so many would be impractical. Vote 12-0. Rep. Francis C. Vincent for Public Protection and Veterans Affairs.

HB 1318-FN-A, to study the feasibility of developing a bike path near Odiorne Point in the city of Portsmouth and the town of Rye and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Testimony from citizens of the area pointed out possible safety concerns and in addition the Committee felt an expenditure of funds at this time for this type of program would be inappropriate. It was also concluded that the citizens, in conjunction with the Office of State Planning, could apply for study funds from other sources. The Fiscal Note calls for state expenditures of \$10,000 in FY90. Vote 14-0. Rep. Gene G. Chandler for Public Works.

HB 1408-FN-A, increasing certain vehicle registration fees, levying a highway use tax, and increasing the fuel tax on fuel other than motor fuel. INEXPEDIENT TO LEGISLATE.

This bill imposes an unfair, onerous and expensive penalty on the trucking industry that would likely cost jobs, services and increase costs to all consumers of New Hampshire. The administration of the weight and distance portion of this bill would be an administrative nightmare and has been tried and quickly discarded by several states. Vote 14-0. Rep. Dennis J. Kilbride for Public Works.

HB 1038-FN, eliminating the tax stamp on lucky 7 tickets. OUGHT TO PASS.

The Sweepstakes Commission testified that the tax stamp was not needed. The money lost by doing away with the tax stamp is more than made up in HB 1057. Vote 17-0. Rep. Lynn C. Horton for Regulated Revenues.

Referred to Ways and Means.

HB 1057-FN-A, relative to a fee for lucky 7 tickets. OUGHT TO PASS.

This bill establishes a flat fee in place of the percentage of gross sale tax that currently exists on Lucky 7 ticket sales. This change was necessary so that the State of

New Hampshire's revenue would not decrease in cases of price wars between the Lucky 7 ticket distributors. Vote 17-0. Rep. Lynn C. Horton for Regulated Revenues. Referred to Ways and Means.

HB 1039-FN-A, relative to a bingo fee. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, will change the Winner Take All Tax from 5 percent to 7 percent. Vote 17-0. Rep. Gabrielle V. Gagnon for Regulated Revenues.

Amendment

Amend the bill by replacing section 1 with the following:

1 Bingo Fee. RSA 287-E:8 is amended to read as follows:

287-E:8 Bingo Tax. Except for bingo games licensed under RSA 287-E:10-13 and for prizes awarded under RSA 287-E:7, XV, the licensee shall pay a tax of [5] 7 percent of the total amount collected from participants in any game conducted in accordance with RSA 287-E:7, XIII.

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill increases the tax on the total collected from bingo participants from 5 percent to 7 percent.

Referred to Ways and Means.

HB 1064-FN, relative to discounts for the sale of wine. OUGHT TO PASS WITH AMENDMENT.

The question of discount parity between on-sale and off-sale licensees has been repeatedly addressed by the Committee. In previous encounters with this subject, the Committee has been prevented from equalizing the discount structure because of budgetary constraints. Once again, revenue considerations prevent us with all good conscience from recommending passage of any legislation which would decrease state revenues.

The Committee, however, felt that this issue was important enough to deal with by temporarily rolling back discounts to off-sale licensees and increasing discounts to on-sale licensees. The fall-out from this long overdue equalization produces an increase in revenues of nearly 1.6 million dollars per year. The Committee would have preferred to increase discounts to on-sale licensees without the temporary roll back to others, however, this is not presently realistic.

Recognizing this desire, the Committee amendment provides for an across the board increase in discounts of 5 percent to become effective July 1, 1992. Vote 16-1. Rep. Thomas A. Behrens for Regulated Revenues.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 On-Sale and Off-Sale Discounts, 1990. Amend RSA 178-A:21, II to read as follows:

II. A schedule of hours and procedures by which table wines may be purchased at the discount price for resale by holders of retail wine licenses at [15] 5 percent less than the regular retail price in the liquor stores and [20] 10 percent less than the regular price F.O.B. at the warehouse.

2 On-Sale and Off-Sale Discounts, 1992. Amend RSA 178-A:21, II to read as follows:

II. A schedule of hours and procedures by which table wines may be purchased at the discount price for resale by holders of retail wine licenses at [5] **10** percent less than the regular retail price in the liquor stores and [10] **15** percent less than the regular price F.O.B. at the warehouse.

3 New Paragraph; Retail Sale of Wine. Amend RSA 178-A:21 by inserting after paragraph III the following new paragraph:

IV. Extending the discount terms available by rules adopted pursuant to paragraphs II and III to on-sale licensees licensed under RSA 178:3, RSA 178:3-a, or RSA 178:3-d.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 1992.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the liquor commission to extend rules concerning the discount system available to retail wine licensees to certain on-sale licensees, including first-class hotels, first-class restaurants, clubs and convention centers.

The bill lowers the discount for on-sale and off-sale retail wine licensees to 5 percent and for wholesalers to 10 percent until June 30, 1992. On July 1, 1992, the on-sale and off-sale retail wine licensees discount will be increased to 10 percent and the discount for wholesaler will increase to 15 percent.

Referred to Ways and Means.

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements. **OUGHT TO PASS WITH AMENDMENT.**

This bill is the result of a study established by Chapter 151, Laws of 1989. The Joint Senate/House Committee recodified the Liquor Laws and standardized licensing and fee requirements. The laws are now organized into six (6) chapters, including:

I. Definitions and General Provisions

II. The Liquor Commission

III. State Liquor Stores

IV. Liquor Licenses and Fees

V. Enforcement, Requirements and Penalties

VI. Beverage Distribution Requirements

Liquor rules were inserted into the statutes whenever the subject content was applicable. This resulted in a document that is more readily understandable by the public.

The number of license types was reduced from 80 to 34 but the business sector served by these licenses remains the same. The savings to the Liquor Commission could not be calculated but the issuance of licenses will be greatly facilitated.

Fees for licenses were adjusted very slightly with the thought of "revenue neutral" in the minds of the Committee. The amount of fees chargeable can only support the cost of enforcement and administration.

The Committee vote of 16-1 was for "Ought to Pass as Amended." The amendment was concerned with the amount of discretionary monetary fines allowable under Administrative Fines section (179:57). The minimum of \$100 and maximum of \$5000 was eventually approved by a similar vote of 16-1. Rep. Robert N. Kelley for Regulated Revenues.

Amendment

Amend RSA 179:57 as inserted by section 1 of the bill by replacing it with the following:

179:57 Suspension or Revocation; Administrative Fines. The commission shall cause frequent inspections to be made of all the premises with respect to which any license has been issued under the provisions of this title. If any licensee violates any of the provisions of law or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony or otherwise fails to carry out in good faith the purposes of this title the license of such licensee may be suspended by the commission without hearing, and may be revoked after notice and hearing. Notwithstanding any other provisions of this chapter, the commission, in its discretion, may impose a fine of a specific sum, which shall not be less than \$100 nor more than \$5,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

HB 1141-FN, relative to temporary sewage holding tanks. REFER FOR INTERIM STUDY.

The Committee voted to send HB 1141 to interim study because the sponsor's difficulties in the area of Exit 5 off Route 93 have been corrected, and the Department of Environmental Services stated that it is working on Administrative Rules which will provide for the use of temporary holding tanks under certain conditions. The Committee wishes to hold the bill in case it is necessary to correct any shortcomings in the Administrative Rules. Vote 15-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

HB 1150-FN, relative to the oil pollution control fund. OUGHT TO PASS.

This bill increases the Oil Pollution Control Fund — as distinguished from the Oil Discharge and Disposal Fund — from \$2.75 million to \$5 million. This was done at the request of the Chief Executive after the Exxon Valdez oil spill disaster, to ensure that New Hampshire's surface spill plans were up-to-date and adequately funded. Also, the bill amends the required level for research spending using OPC funds from a minimum of 10 percent to a maximum of 10 percent of the total fund. Vote 15-0. Rep. Charles L. Vaughn. for Resources, Recreation and Development.

HB 1151-FN, requiring certification of wastewater treatment plant operators. OUGHT TO PASS WITH AMENDMENT.

There already exists a program for training and certification of wastewater treatment plant operators. This bill clarifies some of the provisions of the existing statutes and adds the requirement for a registration fee of \$50 for two years to help defray the cost of the training program. The amendment simply corrects typographical errors and does not affect the content of the bill. Vote 13-0. Rep. Ralph E. Marston for Resources, Recreation and Development.

Amendment

Amend RSA 485-A:5-a as inserted by section 4 of the bill by replacing it with the following:

485-A:5-a Operator Certification Required. The division shall certify operators of [pollution control facilities] *wastewater treatment plants*. [Pollution control facilities] *Wastewater treatment plants* shall be operated only by certified operators.

Amend RSA 485-A:6, XI-a as inserted by section 5 of the bill by replacing it with the following:

XI-a. Certification of operators of wastewater treatment plants and revocation and suspension of such certificates as provided in RSA 485-A:[7-a]-7-d.

HB 1290-FN-A, making appropriations for flood control reimbursement. OUGHT TO PASS.

This bill makes up for a shortfall in funds currently budgeted for reimbursing municipalities where land has been taken for Federal Flood Control projects. Legislation in 1989 established a process to avoid this discrepancy in future years, but anticipated corrections to cover the '90-'91 budget period did not occur. Appropriation of these funds will allow the state to meet its commitment to the involved communities. The appropriation for the biennium is \$188,910. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Referred to Appropriations.

HB 1055-FN, repealing the motorcycle rider education and the motorcycle rider safety fund. INEXPEDIENT TO LEGISLATE.

This bill was offered because the sponsor felt the law setting up the motorcycle rider education fund passed last year was not working. Since the drafting of this bill action was taken by the Department of Safety to implement the purpose of the fund. The Inexpedient to Legislate action was suggested by the sponsor. Vote 14-0. Rep. Richard L. Haynes for Transportation.

HB 1103-FN, relative to the regional fuel tax agreement. OUGHT TO PASS.

This bill removes the regional fuel tax agreement from the statutes when it has been adopted by rule pursuant to RSA 541-A by the Commissioner of the Department of Safety. Vote 15-0. Rep. Richard L. Haynes for Transportation.

HB 1123-FN, appropriating funds for clerical assistance in the bureau of rail safety. INEXPEDIENT TO LEGISLATE.

This bill would have appropriated funds for the Bureau of Rail Safety to hire clerical personnel and to purchase office equipment. Testimony at the hearing indicated that this expenditure was not necessary at this time. Vote 10-5. Rep. Richard L. Haynes for Transportation.

REGULAR CALENDAR

HCR 13, to protect and preserve the tenth amendment to the United States Constitution. OUGHT TO PASS WITH AMENDMENT.

This Concurrent Resolution affirms that the tenth amendment to the United States Constitution is a substantive limit on national power. Vote 9-1. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Amendment

Amend the resolution by replacing all after the title with the following:

Whereas, the tenth amendment, part of the original Bill of Rights, reads as follows, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, the limits on Congress' authority to regulate state activities prescribed by the tenth amendment have recently been the subject of debate by the Supreme Court; and

Whereas, the courts hold that the limits of the tenth amendment are structural, and not substantive, leaving states to find protection from Congressional regulation through the national political process, rather than through judicially defined spheres of residual state authority; and

Whereas, recent U.S. Supreme Court decisions invite further federal preemption of state authority; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That it is the consensus of the general court that the tenth amendment to the Constitution of the United States is and always has been of operational force governing and balancing the respective powers of the states and Federal Government; and

That the general court hereby affirms that the tenth amendment is a substantive limit on national power and should so be applied as a test by the Courts of the United States and of the several states in the cases coming before them where a question of the exercise of the federal authority is raised; and

That suitable copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by them to the President of the United States, the Honorable George Herbert Walker Bush, the United States Senate, the United States House of Representatives, Senator Gordon Humphrey, Senator Warren Rudman, Representative Robert Smith, Representative Charles Douglas, III, the Council of State Governments, Lexington, Kentucky, and the National Conference of State Legislatures, Denver, Colorado.

Amendment adopted.

Ordered to third reading.

HB 1133-FN, relative to the executive secretary of the New Hampshire pharmacy board. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This bill addresses the administration of the sensitive areas of drug diversion and drug-related activities in New Hampshire. The executive secretary is the focal point for the overwhelming majority of these cases. The state should provide appropriate consideration and remuneration for this sensitive position, which is the clear position of the majority. Vote 11-2. Rep. Maurice E. Goulet for the Majority of Executive Departments and Administration.

MINORITY: This legislation transfers a position from the classified category to unclassified. It does not make any changes in the position title, duties or responsibilities. The only change is an approximate 18% increase in salary. The minority believes that this position should remain in the classified category and be subject to existing rules for upgrade. Reps. Randall F. Shaw and Merton S. Dyer for the Minority of Executive Departments and Administration.

Ordered to third reading.

HB 1321-FN, establishing a study committee to determine the feasibility of commercial shell fishing. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This bill is only a vehicle to produce a study to look into the feasibility of a commercial shellfishing industry, to be part of a public/private partnership that would address and help fund the issues/problems related to the pollution resulting in

the closing of the recreational shellfish resource. The bill in no way will infringe on the recreational shellfishing in the seacoast area, but will speed up the process of the cleanup. Vote 12-5. Rep. William P. Boucher for the Majority of Fish and Game.

MINORITY: We of the minority feel that even a study into the feasibility of the commercialization of our shellfish beds lend credence to that idea. Reps. Willard N. Young, Terence R. Pfaff, Laura C. Pantelakos, Albert J. Dionne and Rodolphe G. Paquette for the Minority of Fish and Game.

Rep. Willard Young moved that the report of the minority, Inexpedient to Legislate, be substituted for the majority report of Ought to Pass and spoke to his motion.

Reps. Scanlan, Drake and William Boucher spoke against the motion.

Reps. Pfaff and Pantelakos spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 73**NAYS 249****YEAS 73
BELKNAP**

Holbrook, Robert G.

CARROLL

Dickinson, Howard C., Jr.

CHESHIRE

Blacketor, Paul G.
Matson, William R.

Hill, Douglas E.

LaMar, David M.

COOS

Buckley, C. Fitzgerald, III

Mayhew, Josephine

Woodburn, Jeffrey R.

GRAFTON

Chambers, Mary P.
Driscoll, William J.

Copenhaver, Marion L.
Nordgren, Sharon

Densmore, Edward D.
Stewart, Roger

HILLSBOROUGH

Amidon, Eleanor H.
Burkush, Peter
Desrochers, Gerard T.
Elliott, Larry G.
Foote, Herbert N., Sr.
Hultgren, David D.
Lawrence, Norman B.
Pignatelli, Debora B.
Smith, Leonard A.
Tyree, Paul M.

Barry, Janet Gail
Cote, David E.
Domaigne, Jacquelyn
Emerton, Lawrence
Green, Scott E.
Hunter, Bruce F.
Nardi, Theodora P.
Provost, Gilles R.
Toomey, Daniel
Wheeler, David K.

Bourque, Ann J.
Cox, Gladys M.
Dwyer, Patricia R.
Flood, Jacqueline J.
Gureckis, Adam C., Sr.
Johnson, Lionel W.
Pepino, Leo P.
Riley, Frances L.
Turgeon, Roland M.
Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
Lewis, Mary Ann
Whittemore, James A.

Apple, Lowell D.
Pfaff, Terence R.

Kidder, William F.
Soldati, Jennifer

ROCKINGHAM

Buco, Stephen
Kane, Cecelia D.
Magoon, Harold F.
Ritzo, Eugene

Caswell, Albert, Jr.
Klemarczyk, Thaddeus E.
Pantelakos, Laura C.
Senter, Marilyn P.

Hoar, John, Jr.
MacKinnon, Nancy W.
Parsons, Robert F.

STRAFFORD

Bernard, Mary E.
 Frechette, Roland A.
 O'Brien, John

Bickford, Drucilla
 Gilmore, Gary
 Sullivan, Henry P.

Dionne, Albert J.
 Marston, Robert E.
 Young, John B.

SULLIVAN

Burling, Peter Hoe

NAYS 249**BELKNAP**

Bolduc, Dennis R.
 Hawkins, Robert S.
 Rice, Thomas, Jr.
 Salatiello, Thomas
 Ziegra, Alice S.

Campbell, Richard H., Jr.
 Locke, Matthew J.
 Richardson, Lawrence
 Turner, Robert H.

Hardy, Earle D.
 Pearson, Ralph W.
 Rosen, Ralph J.
 Vogler, Charles C.

CARROLL

Chandler, Gene G.
 Olimpio, J. Lisbeth

Daly, Robert J., Jr.
 Saunders, Howard N.

Foster, Robert W.
 Wiggins, Allen R.

CHESHIRE

Avery, Stephen G.
 Delano, Robert F.
 Foster, Katherine Davis
 Laurent, John J.
 Pearson, Gertrude B.
 Pratt, Irene A.

Cole, Stacey W.
 Doucette, Richard F.
 Grodin, Richard A.
 Metzger, Katherine H.
 Perry, David M.
 Sawyer, Alfred P.

Crutchley, Donald O.
 Eaton, Daniel Adams
 Hunt, John B.
 Morse, Jo-Ann T.
 Pierce, David A.
 Spear, Susan

COOS

Brungot, Catherine V.
 Horton, Lynn C.
 Marsh, Beaton
 Oleson, Otto H.

Dumont, Robert E.
 Kilbride, Dennis J.
 Merrill, Gerald
 Theriault, Romeo J.

Guay, Lawrence J.
 Lemire, George
 Nelson, Harold D.

GRAFTON

Adams, Carl S.
 Brown, Channing T.
 Guest, Robert H.
 Larson, Nils H., Jr.
 Shackett, Ralph E.
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
 Christy, C. Dana
 Hill, Richard L.
 Rose, William B.
 Teschner, Douglass P.
 Ward, Kathleen W.

Bennett, Shirley M.
 Dow, David
 LaMott, Paul I.
 Scanlan, David M.
 Townsend, Howard C.
 Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
 Baldizar, Barbara J.
 Bicknell, Robert C.
 Cowenhoven, Garret P.
 Dodge, Emma M.
 Drolet, Paul L.
 Dykstra, Leona
 Frank, Nancy G.
 Goulet, Maurice E.

Alukonis, David J.
 Barry, Vivian
 Biondi, Christine A.
 Desrosiers, William J.
 Donovan, Francis X.
 Dube, Ellen C.
 Fields, Dennis H.
 Gagnon, Gabrielle V.
 Haettenschwiller, A. A.

Andrews, Frederick B.
 Beaupre, Roland O.
 Bowers, Dorothy C.
 Dionne, Paul R.
 Drabinowicz, A. Theresa
 Dyer, Merton S.
 Ford, Nancy M.
 Gerow, Sezen M.
 Hall, Betty B.

Hanselman, Gregory L.
 Jasper, Shawn N.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lawrence, Eva M.
 Lown, Elizabeth
 McCann, Bonnie Lou
 McRae, Karen
 Murphy, Robert E.
 Packard, Bonnie B.
 Perham, Lester R.
 Reidy, Frank J.
 Sallada, Roland A.
 Tarpley, Nancy L.
 Wihby, Linda S.

Healy, Daniel J.
 Jean, Romeo W.
 Kelley, Robert N.
 Kurk, Neal M.
 Leclerc, Charles J.
 Lozeau, Donnalee
 McDowell, James E.
 Messier, Irene M.
 O'Rourke, JoAnne A.
 Pappas, Toni
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Searles, Stanley N., Sr.
 Upton, Barbara Allen
 Wright, George W.

Holden, Carol H.
 Jenkins, Mary
 King, John A.
 Lachut, Ervin R.
 Lefebvre, Roland J.
 Mason, Howard F.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Ouellette, Robert O.
 Paquette, Rodolphe G.
 Record, Alice Barnard
 Robinson, Ellen-Ann
 Stiles, Walter A.
 Vanderlosk, Stanley R.

MERRIMACK

Barberia, Richard A.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Gross, Caroline L.
 Hayes, Robert C.
 Johnson, C. William
 Nichols, Avis B.
 Smith, Gerald R.
 Wallner, Mary Jane

Bardsley, Elizabeth S.
 Braiterman, Thea
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Hill, Michael
 Lockwood, Robert A.
 Phelps, James D.
 Stio, Peter M.
 West, George M.

Beaton, Nancy
 Carter, Susan D.
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Holmes, Mary C.
 Millard, Elizabeth S.
 Shaw, Randall F.
 Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
 Blanchard, MaryAnn N.
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Haynes, Richard L.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 McKinney, Betsy
 Popov, Elizabeth M.
 Scamman, W. Douglas, Jr.
 Sherburne, John L.
 Sytek, Donna
 Wright, David B.

Bell, Juanita
 Boucher, William Paul
 Campbell, Eunice M.
 Conroy, Janet M.
 Drake, Herbert R.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Schmidtchen, Rowland
 Sochalski, Matthew M.
 Tufts, J. Arthur

Benton, Richardson D.
 Brown, Jeffrey M.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Dube, LeRoy S.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Katsakiores, Phyllis
 Lovejoy, Virginia K.
 McCarthy, John James, Jr.
 Palazzo, Frank J., Sr.
 Remick, Barbara R.
 Seward, Russell G.
 Splaine, John E., Sr.
 Welch, David A.

STRAFFORD

Appleby, James E.
 Flynn, Anita A.

Brown, Julie M.
 Flynn, Edward J.

Burton, Wayne M.
 Keans, Sandra Balomenos

Kinney, Paula J.
Merrill, Amanda
Scharff, Thomas Edward
Swope, Warren L.
Tsiros, William

Martling, W. Kent
Musler, George T.
Spencer, Leo J.
Torr, Ann M.
Vincent, Francis C.

McCann, William H., Jr.
Pelley, Janet R.
Stewart, Glenn W.
Torr, Ralph W.
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Schotanus, Merle W.,

The substitute motion lost.

Ordered to third reading.

HB 1178-FN-A, relative to marital masters and making an appropriation therefor.
OUGHT TO PASS WITH AMENDMENT.

Because of the tremendous growth in the criminal case docket, marital cases involving annually as many as 40,000 New Hampshire residents have taken a back seat. These cases often take years to resolve at great expense to the state and the individuals involved. For five years testimony has indicated urgent need for more marital masters to try these cases to speed up the agonizing process. The state is now working on a formula to increase the amount of federal reimbursement which would help offset the price tag of \$522,678 for the fiscal year ending June 30, 1991. Vote 19-1. Rep. Elizabeth D. Lown for Judiciary.

Amendment

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. Court recorders (5)

| | |
|---------------------------|-----------|
| Salary (LG 10) | \$ 79,900 |
| Benefits | 19,176 |
| Equipment-desks/chairs | 4,800 |
| Computerization-terminals | 10,000 |
| | 113,876 |
| Total Appropriation | \$522,678 |
| Estimated federal revenue | -122,744 |
| Net state appropriation | \$399,934 |

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 1087-FN, establishing a board to review any police action resulting in an injury or death. **INEXPEDIENT TO LEGISLATE..**

The Committee could see no reason for the establishment of the review board, as there are adequate investigative activities already in being.

As drafted, the term "bodily injury" could cover any bruise, cut, contusion, scrape, abrasion or stubbed toe, however minor; to amend the bill to read "serious injury" leaves the door open to what the board determines as serious on a case-by-case basis. The review board would require substantial sums of money for medical expertise to make a determination if the injury was in fact due to police action, or existed prior to the police action.

Lastly, the Committee felt it most unwise to permit legislators to serve on such a board, as the possibility always exists of political pressure on the legislators from constituents, in favor of those who claim to have sustained injuries at the hands of police. Vote 11-1. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

Rep. Jacobson moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Benton spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 80**NAYS 251****YEAS 80
BELKNAP**

Campbell, Richard H., Jr. Salatiello, Thomas

CHESHIRE

Barber, Robert E., Jr. Blacketor, Paul G.
Doucette, Richard F. Foster, Katherine Davis
Matson, William R. Pratt, Irene A.

Cole, Kenneth A.
LaMar, David M.
Spear, Susan

COOS

Oleson, Otto H. Woodburn, Jeffrey R.

GRAFTON

Chambers, Mary P. Copenhaver, Marion L.
Guest, Robert H. LaMott, Paul I.
Teschner, Douglass P.

Densmore, Edward D.
Nordgren, Sharon

HILLSBOROUGH

Baldizar, Barbara J. Barry, Janet Gail
Cote, David E. Donovan, Francis X.
Dykstra, Leona Flood, Jacqueline J.
Gerow, Sezen M. Green, Scott E.
Hanselman, Gregory L. Jenkins, Mary
Kurk, Neal M. Leclerc, Charles J.
Nardi, Theodora P. Ouellette, Robert O.
Pignatelli, Debora B. Prestipino, Bartolo V.
Toomey, Daniel Turgeon, Roland M.

Biondi, Christine A.
Dwyer, Patricia R.
Ford, Nancy M.
Hall, Betty B.
Johnson, Lionel W.
Lozeau, Donnalee
Packard, Bonnie B.
Rheault, Lillian I.

MERRIMACK

Apple, Lowell D. Dunn, Miriam
Hall, Douglas E. Jacobson, Alf E.
Soldati, Jennifer Trombly, Rick A.
Whittemore, James A.

Fillion, Paul R.
Kidder, William F.
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita Blanchard, MaryAnn N.
Drake, Herbert R. Dube, LeRoy S.
Kane, Cecelia D. Lovejoy, Virginia K.
Schmidtchen, Rowland Splaine, John E., Sr.

Cote, Patricia L.
Hollingworth, Beverly A.
McKinney, Betsy
Weddle, Michael Rodney

STRAFFORD

Burton, Wayne M. Dionne, Albert J.
Keans, Sandra Balomenos Marston, Robert E.

Gilmore, Gary
McCann, William H., Jr.

Merrill, Amanda
Wheeler, Katherine Wells

O'Brien, John
Young, John B.

Pelley, Janet R.

SULLIVAN

Burling, Peter Hoe

NAYS 251 BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Rice, Thomas, Jr.
Turner, Robert H.

Hardy, Earle D.
Locke, Matthew J.
Richardson, Lawrence
Vogler, Charles C.

Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Chandler, Gene G.
Dodge, Arthur G., Jr.
Saunders, Howard N.

Daly, Robert J., Jr.
Foster, Robert W.
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hill, Douglas E.
Metzger, Katherine H.
Perry, David M.

Cole, Stacey W.
Eaton, Daniel Adams
Hunt, John B.
Morse, Jo-Ann T.
Pierce, David A.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

Guay, Lawrence J.
Lemire, George
Merrill, Gerald

GRAFTON

Adams, Carl S.
Brown, Channing T.
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Larson, Nils H., Jr.
Shackett, Ralph E.
Wadsworth, Karen O.

Bennett, Shirley M.
Driscoll, William J.
Rose, William B.
Stewart, Roger
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bicknell, Robert C.
Brady, Carolyn L.
Cox, Gladys M.
Dionne, Paul R.
Drabinowicz, A. Theresa
Dyer, Merton S.
Fields, Dennis H.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Holden, Carol H.
Jasper, Shawn N.

Alukonis, David J.
Barry, Vivian
Bourque, Ann J.
Burkush, Peter
Desrochers, Gerard T.
Dodge, Emma M.
Drolet, Paul L.
Elliott, Larry G.
Foote, Herbert N., Sr.
Goulet, Maurice E.
Harlan, Susan N.
Hultgren, David D.
Jean, Romeo W.

Amidon, Eleanor H.
Beaupre, Roland O.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrosiers, William J.
Domaingue, Jacquelyn
Dube, Ellen C.
Emerton, Lawrence
Frank, Nancy G.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Hunter, Bruce F.
Keefe, Edmund M.

Kelley, Robert N.
Lawrence, Eva M.
Lown, Elizabeth
McDowell, James E.
Messier, Irene M.
Pappas, Toni
Perham, Lester R.
Reidy, Frank J.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Wright, George W.

King, John A.
Lawrence, Norman B.
Mason, Howard F.
McNerney, Daniel P.
Murphy, Robert E.
Paquette, Rodolphe G.
Provost, Gilles R.
Riley, Frances L.
Sallada, Roland A.
Smith, Leonard A.
Tyree, Paul M.
Wheeler, David K.
Young, Willard N.

Knight, Alice Tirrell
Lefebvre, Roland J.
McCann, Bonnie Lou
McRae, Karen
O'Rourke, JoAnne A.
Pepino, Leo P.
Record, Alice Barnard
Robinson, Ellen-Ann
Schneiderat, Catherine
Stiles, Walter A.
Upton, Barbara Allen
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy
Carter, Susan D.
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.

Barberia, Richard A.
Boucher, Laurent J.
Daneault, Gabriel
Gilbreth, Robert M.
Hayes, Robert C.
Johnson, C. William
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.

Bardsley, Elizabeth S.
Braiterman, Thea
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Eunice M.
Chase, Lawrence A., Jr.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Thomas U.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
MacDonald, Joseph A.
Magoon, Harold F.
McCarthy, John James, Jr.
Pantelakos, Laura C.
Raynowska, Bernard J.
Scamman, W. Douglas, Jr.
Sherburne, John L.
Tufts, J. Arthur
Wells, Henry E.

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Conroy, Janet M.
Flanagan, Natalie S.
Ford, Bert H.
Gourdeau, Raymond H.
Hoar, John, Jr.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Parsons, Robert F.
Remick, Barbara R.
Senter, Marilyn P.
Sochalski, Matthew M.
Warburton, Calvin
Wright, David B.

Boucher, William Paul
Buco, Stephen
Caswell, Albert, Jr.
Cooke, Annette M.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
McCain, William F.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Ritzo, Eugene
Seward, Russell G.
Sytek, Donna
Welch, David A.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Frechette, Roland A.
Musler, George T.

Bernard, Mary E.
Flynn, Anita A.
Kinney, Paula J.
Scharff, Thomas Edward

Bickford, Drucilla
Flynn, Edward J.
Martling, W. Kent
Spencer, Leo J.

Stewart, Glenn W.
Torr, Ann M.
Vincent, Francis C.

Sullivan, Henry P.
Torr, Ralph W.

Swope, Warren L.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.,
The substitute motion lost.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Resolution adopted.

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor. **OUGHT TO PASS.**

Chapter 268 of the 1988 Session appropriated \$504,000 for the procurement of 85 (20 for the New Hampshire Police Academy, 65 for New Hampshire Police Departments) of the most modern and sophisticated "breath analyzer machines," the "Intoxilyzer 5000." These machines are now being distributed on a one-for-one replacement basis, for breath analyzer machines now on hand in New Hampshire Police Departments.

The reports from the field on the performance and efficiency of the "Intoxilyzer 5000" are enthusiastic, with the result that seven (7) additional towns (Auburn, Epping, Hollis, Hinsdale, Hanover, Hopkinton and Windham) and the State Police Troop at Twin Mountain now request a machine, and Manchester seeks a second machine. Ten (10) additional "Intox 5000" machines will be extremely valuable assets in the current expanded fight on DWI. Current price for each of 10 machines is \$6,300, plus operating supplies, calculated at \$7,000 for 10 machines requires an appropriation of \$70,000.

The "nay" votes were not in opposition to the value of, and need for, additional up-to-date machines to assist in the anti-DWI program, but to reflect the concern of certain members that the state should not be expending funds without the closest scrutiny of the need therefore, as compared to other requirements of the state. This scrutiny and evaluation can best be accomplished by the House Appropriations Committee. The Fiscal Note calls for state expenditures of \$70,000 in FY91. Vote 8-6. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

Adopted.

Referred to Appropriations.

HB 1267-FN, relative to assault weapons. **INEXPEDIENT TO LEGISLATE.**

Literally, the residents of New Hampshire "came out of the woodwork" to express their opposition to the proposed curtailment of their rights to possess firearms as defined in HB 1267. They filled Representatives Hall and the gallery; phone calls, letters and petitions to the Committee office, and pink cards annotated "opposed" made a grand total of 5,014 persons in opposition, as compared to 17 persons who spoke, or were recorded "in favor of" HB 1267.

These were New Hampshire people, from all walks of life, from cities and small towns, giving their time to come forward and express their concerns that enactment of HB 1267 would simply be a foot in the door, by which over a period of years, all firearms would be treated in the same manner as the so-called "assault guns." A classic example of the acronym LARK "Legislation - Application - Registration -

Konfiscation." Vote 11-1. Rep. Jeffrey M. Brown for Public Protection and Veterans Affairs.

Rep. Gilmore moved that the words, Ought to Pass with Amendment, be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. O'Brien spoke in favor of the motion.

(Speaker in the Chair)

Rep. Jeff Brown spoke against the motion and yielded to questions.

Reps. Burton, McCann and Gilmore spoke in favor of the motion.

Reps. Green, Pepino and Daly spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 72

NAYS 271

**YEAS 72
CHESHIRE**

Barber, Robert E., Jr.
Foster, Katherine Davis
Pearson, Gertrude B.

Cole, Kenneth A.
LaMar, David M.
Pratt, Irene A.

Doucette, Richard F.
Metzger, Katherine H.
Spear, Susan

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Guest, Robert H.

Arnesen, Deborah L.
Copenhaver, Marion L.
Nordgren, Sharon

Bennett, Shirley M.
Densmore, Edward D.
Shackett, Ralph E.

HILLSBOROUGH

Baldizar, Barbara J.
Donovan, Francis X.
Gerow, Sezen M.
Hanselman, Gregory L.
Knight, Alice Tirrell
Nardi, Theodora P.
Searles, Stanley N., Sr.
Wright, George W.

Bowers, Dorothy C.
Flood, Jacqueline J.
Haettenschwiller, A.
Jean, Romeo W.
Lown, Elizabeth
O'Rourke, JoAnne A.
Smith, Leonard A.

Cote, David E.
Ford, Nancy M.
Hall, Betty B.
Johnson, Lionel W.
Messier, Irene M.
Pignatelli, Debora B.
Vanderlosk, Stanley R.

MERRIMACK

Braiterman, Thea
Jacobson, Alf E.

Dunn, Miriam
Soldati, Jennifer

Hager, Elizabeth
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Greene, Elizabeth A.
Lovejoy, Virginia K.
Splaine, John E., Sr.

Blanchard, MaryAnn N.
Hollingworth, Beverly A.
Popov, Elizabeth M.
Tufts, J. Arthur

Caswell, Albert, Jr.
Kane, Cecelia D.
Sochalski, Matthew M.
Weddle, Michael Rodney

STRAFFORD

Bickford, Drucilla
Keans, Sandra Balomenos
McCann, William H., Jr.
Pelley, Janet R.
Wheeler, Katherine Wells

Burton, Wayne M.
Marston, Robert E.
Merrill, Amanda
Scharff, Thomas Edward

Gilmore, Gary
Martling, W. Kent
O'Brien, John
Spencer, Leo J.

SULLIVAN

Burling, Peter Hoe

NAYS 271 BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Locke, Matthew J.
Rice, Thomas, Jr.
Salatiello, Thomas
Ziegra, Alice S.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Turner, Robert H.

Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Rosen, Ralph J.
Vogler, Charles C.

CARROLL

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Perry, David M.
Young, David A.

Blacketor, Paul G.
Delano, Robert F.
Hill, Douglas E.
Matson, William R.
Pierce, David A.

Cole, Stacey W.
Eaton, Daniel Adams
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Merrill, Gerald
Woodburn, Jeffrey R.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Therault, Romeo J.

GRAFTON

Bean, Pamela B.
Dow, David
LaMott, Paul I.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Christy, C. Dana
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Beaupre, Roland O.
Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Domaingue, Jacquelyn
Dube, Ellen C.
Dykstra, Leona
Fields, Dennis H.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Holden, Carol H.

Alukonis, David J.
Barry, Janet Gail
Bicknell, Robert C.
Brady, Carolyn L.
Cox, Gladys M.
Dionne, Paul R.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Elliott, Larry G.
Foote, Herbert N., Sr.
Goulet, Maurice E.
Harlan, Susan N.
Hultgren, David D.

Amidon, Eleanor H.
Barry, Vivian
Biondi, Christine A.
Burkush, Peter
Desrochers, Gerard T.
Dodge, Emma M.
Drolet, Paul L.
Dyer, Merton S.
Emerton, Lawrence
Frank, Nancy G.
Green, Scott E.
Healy, Daniel J.
Hunter, Bruce F.

Jasper, Shawn N.
Kelley, Robert N.
Lachut, Ervin R.
Leclerc, Charles J.
Mason, Howard F.
McNerney, Daniel P.
Murphy, Robert E.
Pappas, Toni
Perham, Lester R.
Record, Alice Barnard
Riley, Frances L.
Sallada, Roland A.
Stiles, Walter A.
Turgeon, Roland M.
Wheeler, David K.

Jenkins, Mary
King, John A.
Lawrence, Eva M.
Lefebvre, Roland J.
McCann, Bonnie Lou
McRae, Karen
Ouellette, Robert O.
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Reidy, Frank J.
Robinson, Ellen-Ann
Schneiderat, Catherine
Tarpley, Nancy L.
Tyree, Paul M.
Wihby, Linda S.

Keefe, Edmund M.
Kurk, Neal M.
Lawrence, Norman B.
Lozeau, Donnalee
McDowell, James E.
Moore, Elizabeth A.
Packard, Bonnie B.
Pepino, Leo P.
Provost, Gilles R.
Rheault, Lillian I.
Rodgers, G. Philip
Steiner, Lee Anne
Toomey, Daniel
Upton, Barbara Allen
Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Fair, Patricia A.
Gilbreth, Robert M.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
West, George M.

Apple, Lowell D.
Beaton, Nancy
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
Whittemore, James A.

Barberia, Richard A.
Bennett, J. Allen
Daneault, Gabriel
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Eunice M.
Conroy, Janet M.
Drake, Herbert R.
Flanagan, Natalie S.
Ford, Bert H.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
McCain, William F.
Micklon, Stephanie K.
Parr, Ednapearl F.
Remick, Barbara R.
Schmidtchen, Rowland
Sherburne, John L.
Welch, David A.

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Cooke, Annette M.
Dube, LeRoy S.
Flanders, Harry E.
Forsythe, Douglas G.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
MacDonald, Joseph A.
Magoon, Harold F.
McCarthy, John James, Jr.
Palazzo, Frank J., Sr.
Parsons, Robert F.
Ritzo, Eugene
Senter, Marilyn P.
Sytek, Donna
Wells, Henry E.

Boucher, William Paul
Buco, Stephen
Chase, Lawrence A., Jr.
Cote, Patricia L.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Malcolm, Kenneth W.
McKinney, Betsy
Pantelakos, Laura C.
Raynowska, Bernard J.
Roulston, Donald L.
Seward, Russell G.
Warburton, Calvin
Wright, David B.

STRAFFORD

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| Appleby, James E. | Bernard, Mary E. | Brown, Julie M. |
| Dionne, Albert J. | Flynn, Anita A. | Flynn, Edward J. |
| Frechette, Roland A. | Kinney, Paula J. | Stewart, Glenn W. |
| Sullivan, Henry P. | Swope, Warren L. | Torr, Ann M. |
| Torr, Ralph W. | Tsiros, William | Vincent, Francis C. |
| Young, John B. | | |

SULLIVAN

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| Behrens, Thomas A. | Domini, Irene C. | Flint, Gordon B. |
| Hinrichsen, Keith | Krueger, Richard H. | MacAskill, Kenneth M. |
| Middleton, John A. | Peyron, Fredrik | Rodeschin, Beverly T. |
| Schotanus, Merle W., | | |
| and the substitute motion lost. | | |

Resolution adopted.

HB 1167-FN, relative to boxing. INEXPEDIENT TO LEGISLATE.

House Bill 1167 was reported as "Inexpedient to Legislate" by a vote of 17-0. The Committee determined that professional, as well as public amateur boxing, in New Hampshire is well-supervised and controlled by the State Boxing Commission and by the various schools, colleges or universities in the case of intercollegiate boxing. Incidentally, professional boxing has not been scheduled in New Hampshire in the past few years. The nature of the sport of boxing was noted, but not determined to be a factor in the decision of the Committee. Rep. Robert N. Kelley for Regulated Revenues.

Rep. Rose spoke against the report.

Resolution adopted.

HB 1266-FN-A, establishing casino gambling in New Hampshire and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The Committee felt that this bill, in its present form, would create more problems than it would solve. The expansion of gambling to this extent would have a severe negative impact on the quality of life in New Hampshire. Vote 16-0. Rep. Stephen W. Buco for Regulated Revenues.

Rep. Pierce moved that HB 1266 be laid on the table.

A roll call was called for. Sufficiently seconded.

YEAS 43

NAYS 296

YEAS 43**BELKNAP**

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| Hawkins, Robert S. | Richardson, Lawrence |
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CARROLL

| | |
|---------------------------|---------------------|
| Dickinson, Howard C., Jr. | Saunders, Howard N. |
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CHESHIRE

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| Blacketor, Paul G. | Hill, Douglas E. | Hunt, John B. |
| LaMar, David M. | Pierce, David A. | |

COOS

| | | |
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| Merrill, Gerald | Therault, Romeo J. | Woodburn, Jeffrey R. |
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GRAFTON

| | |
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| Bennett, Shirley M. | Dow, David |
|---------------------|------------|

HILLSBOROUGH

Barry, Janet Gail
Dykstra, Leona
Green, Scott E.
O'Rourke, JoAnne A.
Toomey, Daniel

Barry, Vivian
Elliott, Larry G.
Lawrence, Norman B.
Reidy, Frank J.
Wright, George W.

Burkush, Peter
Flood, Jacqueline J.
McDowell, James E.
Robinson, Ellen-Ann

MERRIMACK

Daneault, Gabriel

Hall, Douglas E.

ROCKINGHAM

Buco, Stephen
Dube, LeRoy S.
Remick, Barbara R.
Wright, David B.

Chase, Lawrence A., Jr.
MacDonald, Joseph A.
Weddle, Michael Rodney

Drake, Herbert R.
Malcolm, Kenneth W.
Welch, David A.

STRAFFORD

Pelley, Janet R.

Swope, Warren L.

SULLIVAN

Hinrichsen, Keith

NAYS 296**BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Randall, Kenneth A.
Salatiello, Thomas
Ziegra, Alice S.

Golden, Paul A.
Locke, Matthew J.
Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Avery, Stephen G.
Cole, Stacey W.
Doucette, Richard F.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.
Spear, Susan

Barber, Robert E., Jr.
Crutchley, Donald O.
Eaton, Daniel Adams
Laurent, John J.
Morse, Jo-Ann T.
Pratt, Irene A.
Young, David A.

Cole, Kenneth A.
Delano, Robert F.
Foster, Katherine Davis
Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine

GRAFTON

Adams, Carl S.
Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.

Arnesen, Deborah L.
Chambers, Mary P.
Densmore, Edward D.
Hill, Richard L.

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
LaMott, Paul I.

Larson, Nils H., Jr.
Scanlan, David M.
Teschner, Douglass P.
Weymouth, Philip H.

Nordgren, Sharon
Shackett, Ralph E.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Rose, William B.
Stewart, Roger
Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bicknell, Robert C.
Brady, Carolyn L.
Cox, Gladys M.
Dionne, Paul R.
Donovan, Francis X.
Dube, Ellen C.
Emerton, Lawrence
Ford, Nancy M.
Gerow, Sezen M.
Haettenschwiller, A. A.
Harlan, Susan N.
Hultgren, David D.
Jean, Romeo W.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Eva M.
Lown, Elizabeth
McCann, Bonnie Lou
Moore, Elizabeth A.
Ouellette, Robert O.
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Upton, Barbara Allen
Wihby, Linda S.

Alukonis, David J.
Baldizar, Barbara J.
Bourque, Ann J.
Cote, David E.
Desrochers, Gerard T.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.
Frank, Nancy G.
Goulet, Maurice E.
Hall, Betty B.
Healy, Daniel J.
Hunter, Bruce F.
Jenkins, Mary
Kelley, Robert N.
Kurk, Neal M.
Leclerc, Charles J.
Lozeau, Donnalee
McNerney, Daniel P.
Murphy, Robert E.
Packard, Bonnie B.
Perham, Lester R.
Provost, Gilles R.
Riley, Frances L.
Schneiderat, Catherine
Steiner, Lee Anne
Turgeon, Roland M.
Vanderlosk, Stanley R.
Young, Willard N.

Amidon, Eleanor H.
Beaupre, Roland O.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrosiers, William J.
Domaingue, Jacquelyn
Drolet, Paul L.
Dyer, Merton S.
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Holden, Carol H.
Jasper, Shawn N.
Johnson, Lionel W.
King, John A.
Lachut, Ervin R.
Lefebvre, Roland J.
Mason, Howard F.
Messier, Irene M.
Nardi, Theodora P.
Pappas, Toni
Pignatelli, Debora B.
Record, Alice Barnard
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Soldati, Jennifer
Wallner, Mary Jane

Apple, Lowell D.
Beaton, Nancy
Braiterman, Thea
Fair, Patricia A.
Gilbreth, Robert M.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
Stio, Peter M.
West, George M.

Barberia, Richard A.
Bennett, J. Allen
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
Trombly, Rick A.
Whittemore, James A.

ROCKINGHAM

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|--------------------------|---------------------------|-----------------------|
| Anderson, Carl F., III | Bell, Juanita | Benton, Richardson D. |
| Blanchard, MaryAnn N. | Boucher, William Paul | Brown, Lewis W. |
| Campbell, Eunice M. | Campbell, Marilyn R. | Caswell, Albert, Jr. |
| Conroy, Janet M. | Cooke, Annette M. | Cote, Patricia L. |
| Fesh, Robert M. | Flanagan, Natalie S. | Flanders, Harry E. |
| Flanders, John W., Sr. | Ford, Bert H. | Forsythe, Douglas G. |
| Gage, Thomas U. | Gourdeau, Raymond H. | Greene, Elizabeth A. |
| Haynes, Richard L. | Hoar, John, Jr. | Hoelzel, Kathleen M. |
| Hollingworth, Beverly A. | Johnson, Robert A. | Kane, Cecelia D. |
| Katsakiores, George N. | Katsakiores, Phyllis | King, Roger C. |
| Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr. | Lovejoy, Virginia K. |
| MacDonald, Maurice B. | MacKinnon, Nancy W. | Magoon, Harold F. |
| McCain, William F. | McCarthy, John James, Jr. | McKinney, Betsy |
| Micklon, Stephanie K. | Palazzo, Frank J., Sr. | Pantelakos, Laura C. |
| Parr, Ednapearl F. | Parsons, Robert F. | Popov, Elizabeth M. |
| Raynowska, Bernard J. | Ritzo, Eugene | Roulston, Donald L. |
| Schmidtchen, Rowland | Senter, Merilyn P. | Seward, Russell G. |
| Sherburne, John L. | Sochalski, Matthew M. | Splaine, John E., Sr. |
| Sytek, Donna | Tufts, J. Arthur | Warburton, Calvin |
| Wells, Henry E. | | |

STRAFFORD

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|---------------------|--------------------------|-------------------------|
| Appleby, James E. | Bernard, Mary E. | Bickford, Drucilla |
| Brown, Julie M. | Burton, Wayne M. | Dionne, Albert J. |
| Flynn, Anita A. | Flynn, Edward J. | Frechette, Roland A. |
| Gilmore, Gary | Keans, Sandra Balomenos | Kinney, Paula J. |
| Marston, Robert E. | Martling, W. Kent | McCann, William H., Jr. |
| Merrill, Amanda | O'Brien, John | Scharff, Thomas Edward |
| Spencer, Leo J. | Stewart, Glenn W. | Sullivan, Henry P. |
| Torr, Ann M. | Torr, Ralph W. | Tsiros, William |
| Vincent, Francis C. | Wheeler, Katherine Wells | Young, John B. |

SULLIVAN

| | | |
|---------------------------|---------------------|-----------------------|
| Behrens, Thomas A. | Burling, Peter Hoe | Domini, Irene C. |
| Flint, Gordon B. | Krueger, Richard H. | MacAskill, Kenneth M. |
| Middleton, John A. | Peyron, Fredrik | Rodeschin, Beverly T. |
| Schotanus, Merle W., | | |
| The motion to table lost. | | |
| Resolution adopted. | | |

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, January 23 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 1001-FN, increasing agent fees for fish and game licenses.

HB 1004-FN, relative to the tax abatement procedure.

HB 1048-FN, relative to rabies control of dogs.

HB 1081, relative to the membership of the fish and game commission.

HB 1103-FN, relative to the regional fuel tax agreement.

HB 1133-FN, relative to the executive secretary of the New Hampshire pharmacy board.

HB 1136, relative to filing of annual reports with the secretary of state.

HB 1150-FN, relative to the oil pollution control fund.

HB 1151-FN, requiring certification of wastewater treatment plant operators.

HB 1159, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure.

HB 1291-FN, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor.

HB 1321-FN, establishing a study committee to determine the feasibility of commercial shell fishing.

HB 1346-FN, to restore medical benefits.

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements.

HCR 13, to protect and preserve the tenth amendment to the United States Constitution.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:05 p.m.

(Speaker in the Chair)

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Tuesday, January 23, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Frank Gulinello Jr., District Superintendent, United Methodist Church.

Almighty and Eternal God, Creator of the Universe and Giver of life to every living creature, this is the season of Your light coming into the world.

We greet Your Light in the words of one of Your saints: "Light is the power to dispel darkness. A candle is a small thing. But one candle can light another. And as it gives its flame to the other, see how its own light increases. (We) have this power to move back the darkness in (ourselves) and in others - with the birth of light when one mind illuminates another, when one heart kindles another, when one person strengthens another.

Throughout history children of darkness have tried to smother the passage of light from person to person. But always in the end they fail. For always somewhere in the world the light remains, ready to burn its brightest where it is dark; a light that began when (You, O God,) created the world."

We greet Your Light, this day, which first fell on the snowy, clear heights of Mt. Washington. Through the decisions made in this representative body, may Your light shine for children who are cold and hungry; for women who are alone in their struggle against poverty; for homeless persons who have no advocate for justice; for elder citizens who seek peace and dignity in their old age.

Bless each legislative leader of New Hampshire with the strength and courage to be the bearer of Your light. Amen.

Rep. Gross moved that the Honorable Senate be notified that the House is ready to meet in Joint Convention for the purpose of attending to a Bicentennial Program.

Adopted.

INTRODUCTION OF GUESTS

Joan C. DeVillafane, R.N., President and Legislative Chairperson, New Hampshire School Nurses Association in Whitefield, guests of Deputy Speaker Harold W. Burns; Ken Parker, guest of Rep. Richard Haynes; former representative Marion Lord, mother and guest of Rep. Gross; Simonne Dumont of Berlin, wife and guest of Rep. Dumont.

LEAVES OF ABSENCE

Reps. Blanchard, Brady, David Cote, Gordon, Grip, Hynes, Keefe, Kincaid, Kress, Maviglio, Palazzo, Pierce, Sanderson, Schneiderat, Soucy, Roger Stewart and Wall, the day, illness.

Reps. Ballou, Lionel Boucher, Callaghan, Fair, Betty Hall, Mace, Markley, Rodgers, Stamatakis, Tsiros, Tyree, Ward and West, the day, important business.

SENATE MESSAGE

Mr. Speaker:

The Senate is ready to meet with the House of Representatives in Joint Convention for the celebration of the 200th anniversary of the Bill of Rights.

JOINT CONVENTION (Speaker in the Chair)

The Sergeant-at-Arms introduced the Senate, Senate President William Bartlett, Chief Justice David Brock and Governor Judd Gregg.

The Speaker introduced Rep. Ednapearl Parr, Vice Chairman of the New Hampshire Bicentennial Commission, who presided over the program.

Rep. Parr introduced the Bicentennial Commission members: Chairman Russell C. Chase, William M. Gardner, Charles D. Bond, John P.H. Chandler, Natalie S. Flanagan, Beverly A. Hollingworth, Barbara B. Pressly, Sheila Roberge, Arthur J. Moody, David Proper and Roger C. Heath.

Prayer was offered by Rep. Calvin Warburton.

O Divine Providence, we, like our forefathers, place a firm reliance on You.

We come today to celebrate New Hampshire's 200th anniversary of our ratification of our nation's Bill of Rights and we begin this celebration by addressing You. The ratification was a reaffirmation of our statement of rights seven years earlier.

May we always remember that every right is supported by a responsibility. Give us and our people the will to accept and bear such responsibility. God Bless New Hampshire. God Bless the United States of America. Amen.

The First Militia Color Guard of the N.H. Army National Guard advanced the national and state colors.

Senator Bond led the Pledge of Allegiance.

Chief Justice Brock addressed the Joint Convention:

Governor Gregg, President Bartlett, Speaker Scamman, Members of the General Court and Friends. On behalf of the judicial branch, I thank you for inviting us to join you in today's celebration of the federal Bill of Rights.

When they ratified the federal Constitution, several states, including New Hampshire, recommended that it be amended to include a Bill of Rights.

James Madison, writer of the Constitution, remained convinced that such an amendment was not necessary. He believed that Constitutional provisions for shared power among the three coordinate and equal branches — particularly those relating to the separation of powers and mutual checks and balances — were sufficient to secure individual liberties from majority tyranny and governmental ineptitude.

Nevertheless, in response to widespread sentiment that a Bill of Rights was necessary and to promote broader acceptance of the new government, he took it upon himself to sponsor the Bill of Rights in the first Congress. On September 25, 1789, the amendments were approved and forwarded to President Washington for transmittal to the States.

Our purpose today is to celebrate the 200th anniversary of New Hampshire's ratification of the Bill of Rights. My purpose, in these few minutes, is to present a sketch of the ratification process and of two of New Hampshire's principal participants.

New Hampshire's chief executive, President John Sullivan, received the amendments in October and deposited them with John Pickering of Portsmouth, President of the Senate, and Thomas Bartlett of Nottingham, Speaker of the House, for consideration at a session of the Legislature to be convened on December 23rd.

Meanwhile, an act establishing the federal judiciary having been adopted in September, President Washington appointed President Sullivan to the Federal District Court of New Hampshire and embarked on his tour of New England in October,

spending several days in New Hampshire, accompanied by his loyal friend Major General, President and Judge John Sullivan. It seems incredible today, but Sullivan held this judgeship even as he continued to serve as the state's Chief Executive, apparently ignoring the prohibitions of Part II, Article 95 of our state Constitution. While this would not happen in 1990, just think how our present-day Governors would savor the opportunity on occasion to exercise the powers of a federal judge!

Little appears in our legislative journals concerning the debate attending approval of the Bill of Rights. On January 20, the Senate voted to accept all of the proposed amendments, save one dealing with compensation for members of Congress. With approval of the House, on January 25, 1790, New Hampshire became the fifth state to ratify the Bill of Rights, joining New Jersey, Maryland, North Carolina and South Carolina.

Most deserving of recognition and most unusual was the prominent role played by another Granite Stater in the development of the federal Bill of Rights.

He was Samuel Livermore of Holderness, a successful lawyer, John Sullivan's law teacher, and Attorney General. Involved in every facet of public affairs of the day, including adoption of our state Constitution of 1784, Livermore also served with distinction as a delegate to the 1788 federal Constitution ratification convention. Elected to Congress in 1789, He attended the first Congress in New York and was most active in the debates involving the Bill of Rights.

Livermore, naturally a product of his experiences, brought with him to New York what we would describe today as his Traditional New Hampshire Values. With provisions of our own state Constitution's Bill of Rights as useful reference, Livermore not only helped shape the first amendment religion clauses, but argued vehemently for retaining the provision that a person be subject to trial only once for the same offense; that the accused should have the right to be tried in the state where the offense was alleged to have occurred; and that it should be left to the Judiciary to determine what would be considered Cruel and Unusual punishment. While the double jeopardy and venue concepts have their parallel in our state Constitution, it is remarkable that in arguing that the interpretation of the language of the Constitution should be left to the Judiciary Samuel Livermore anticipated by more than a decade, the emergence of the singularly important doctrine of judicial review, formally proclaimed by Chief Justice John Marshall in *Marbury v. Madison*.

What was so unusual about Samuel Livermore's role in all this was the fact that throughout this period, beginning in 1782, he also served as the second Chief Justice of New Hampshire.

It wasn't until 1790 that Livermore, coming under pressure back in New Hampshire for serving in Congress while simultaneously being Chief Justice, resigned the Chief Justiceship, to devote full time to his political career.

Much has changed during the past 200 years, but we can always be proud of the role New Hampshire played and be thankful that our forebears had the foresight to adopt the Bill of Rights.

Governor Judd Gregg addressed the Joint Convention:

It's a pleasure to be here today to participate in this 200th anniversary. It was Thomas Jefferson, who I think we are going to hear from in a few minutes, who said that a Bill of Rights is what the people are entitled to against every government. I think it was with clear intention that he chose the word "against," having suffered the

tyranny of government, the rebelling of soldiers at home, the loss of due process, the curtailing of free speech and the overtaxation of people.

In the Bill of Rights, which so succinctly defines those elements of freedom which combines to make for a free people was designed to alleviate that tyranny and to protect people against their government.

It's equally ironic that those few phrases, and they really are few when you consider the number of articles in the Bill of Rights, 26 to date but at that time only ten; with over 10,000 attempts to try to amend it over the years but only a few having succeeded. Those few phrases so precisely distill what freedom is and that today 200 years after our anniversary of our Bill of Rights throughout the world especially in Eastern Europe and countries which have suffered tyranny for years and in countries which when our country was forming were considered to be advanced, people are now seeking those same rights. So it is very appropriate that we today reaffirm those rights and respect those rights and acknowledge the role that they play in our existence as a free people. Thank you very much.

Dr. Charles G. Bickford, Executive Director of the New Hampshire Humanities Council introduced Mr. Clay Jenkinson, portraying Thomas Jefferson.

Citizens of the New Republic, it is with great trepidation that I stand before you today. For unlike your great orator, Daniel Webster, I am unused to public speaking. In my own lifetime I never made public appearances. I had a slight speech impediment. I was shy and diffident and I did not like public gatherings of men of power.

When I was required to give a speech on the occasion of my first inauguration as President in the unfinished capitol building in our Federal City, I was so quiet, so muffled in my address that no one in that crowded Senate chamber heard what my vision was except for my odious cousin, John Marshall, and he did not like what he heard. Those who had gathered in the unfinished Senate chamber left the building shortly thereafter and bought printed copies on the street to see what the third President's second American Revolution would be.

As President, I broke with the emerging precedent of my predecessors to appear before Congress in person to deliver their annual messages. This, I believe, was inefficient use of our legislative time and also had monarchical trappings. So instead I sent my annual addresses by courier to the Congress and asked them to be read by the clerk of the House. This precedent, I understand, lasted well into your own century and in view of recent annual addresses by your President, perhaps you would like to install that precedent again in your time.

When reluctantly I ran for the Presidency in the year 1800, I made no public appearances. I offered nothing for the press. I submitted to no interviews and there was no physical likeness of me available to the American voter. If you imagine it in the year 1800, we voted for our President on political principle alone.

I am delighted to know that in this body, one of the largest democratic bodies in the world, there are only a handful of lawyers. When I had retired from the Presidency and retreated to my beloved estate at Monticello, a young Congressman wrote me from the Federal City saying, "Mr. Jefferson, for some reason nothing seems to be happening in Washington. The legislature is at a standstill. Have you any wisdom for us?" And I replied, "Sir, when you gather 150 lawyers into one room at the same time, nothing good can come of it. These are men who, after all, are paid to talk by the hour to yield nothing and quarrel about everything and when one argues that black

is white, the other is sure to reply that white is black. No, sir, to expect good sense and efficiency from a body of lawyers is to expect something that never has been and never can be in the history of the world."

I was delighted to hear that a few of you at least are farmers. This should give you, especially those in the gallery, a sense of confidence.

I do not consider myself a politician. I called the Presidency splendid misery with emphasis on misery. On the night before I retired in 1809, I wrote, "Never has a prisoner released from his shackles felt more true relief than I do upon this occasion."

Power is dangerous business. I would ask the legislators in the room to look up at the gallery and to remind yourselves that they are your masters and not the other way around. If New Hampshire is well governed, you who are legislators ought to be willing to change places with those in the gallery.

I said once, "Whenever a man casts his eye longingly on public office, a certain rottenness of character is sure to creep in."

In a republican society, in a limited government, we require rapid rotation in office. One of my chief objections to the Constitution of the United States as drafted by my friends Mr. Madison and Mr. Hamilton was that it did not limit the number of terms that our national officers could serve. In my view every official — state, local or national — should serve no more than two terms in any office whatsoever. I would urge you in this room who have served more than two terms to retire voluntarily at the end of the present term. I would urge your Governor to show equal restraint. If this proves to be impossible, I would urge the gallery to retire you after the next term. This is the heart of good government.

The greatest government in the world was the Roman Republic. The greatest crisis of that Republic was when Cincinnatus, the farmer, was called away from his plow reluctantly to save the nation in war. He did so. When he had saved Rome, he broke his sword and returned quietly to his plow and again became a farmer.

We need amateur politicians, reluctant politicians and humble politicians and let them rotate back into private life as quickly as possible.

My own view was that General Washington not only saved the nation on the battlefield, but that he gave the nation an indescribable virtue by voluntarily retiring after just two terms as President. Had he wished that he would have been reelected to the end of his life, that would have opened the door to monarchy in the United States. We need restraint in government.

I consider myself not a political figure but a farmer and perhaps a philosopher, certainly a scientist. I said the Creator destined me to be scientist to my supreme delight. I am more pleased with my 20-year presidency of the American Philosophical Society than with any political office that I held.

I said once, "The greatest service that a man can offer his country is to introduce a new plant species into his midst." This is greater than all of the statesmanship of history. Indeed I did. After my five-year tenure in France as the minister plenipotentiary to the court of Louis XVI, I brought back to the United States olive trees and wine plants, rice from Lombardy in Northern Italy and merino sheep introduced amongst our own sheepherders because it is the agriculture of the nation, it is basic economy that is important not its governments.

Let me say also, before I go on, that my view of human nature is perhaps different from yours in the late 20th century. As a member of the Enlightenment and as a rationalist, I believe that humanity is basically good, not evil. I do not trust the notion

of original sin. I am profoundly skeptical of the gloomy outlook of men like Hamilton or Thomas Hobbs or St. Augustine or St. Paul, those that believe that human nature is basically corrupt and that man is driven by rapine, lust, greed and aggression. In my view, we are born good and we are capable of what I call indefinite perfectability.

Some of the French philosophers believed that we were infinitely perfectable. This, I doubt. But I do believe, firmly believe, that we are indefinitely perfectable through education. That if we will only enlighten the people generally, good sense, good government and good social structures will burst forth all over the planet. I'm an optimist.

Let me say also that I believe that men should govern themselves by the smallest governments that can minimally hold the social structure together. In my time there was great debate about the best form of government.

I remember once at a dinner party that I gave in New York when the government was there, I invited my friend, John Adams, and my adversary, Alexander Hamilton, to join us. In the course of the evening after the tablecloth and the women had been removed and when the port and claret were circulating freely at the table, we began the political discussion. John Adams said that if you could correct a few of the corruptions of the British Constitution, that system would be the greatest in the world. This I found to be heretical. Then Mr. Hamilton spoke and said, "Why fix the corruptions? If you leave the corruptions in the British system then it is the best government on earth but if you made it more virtuous or more rational, it would cease to be effective." He said that humans are basically evil and we take the dark underbelly of their character and use it as a handle for government. We use the lust and self-interest and aggression of individual men for the larger good of the community. This I found disgusting. Mr. Hamilton went further and said that although he would submit himself to our form of representative government in the short term, it was his view that in the long term monarchy, even hereditary monarchy, was the best form of government. I replied by suggesting that we create a chair of hereditary mathematics at one of our universities. This pretty well put an end to our discussion of hereditary monarchy and its virtue.

Well, then in an awkward pause in the conversation Mr. Hamilton sat back in his chair and looked up at the walls in my dining room. There were portraits of three men on the wall. He said, "Why, Jefferson, who are they?" I said, "These, sir, are the three greatest men who ever lived: Isaac Newton, John Locke and Francis Bacon — Newton who discovered celestial mechanics; Bacon who created the scientific method and reformed the jurisprudence of Britain; and John Locke who in his second treatise on government has given us an ideal recipe of limited government." There was a pause. Suddenly, Mr. Hamilton burst forth and said, "In my opinion, Julius Caesar was the greatest man who ever lived." You all know Julius Caesar, the butcher of France, the destroyer of the Roman Republic, the first dictator of Rome, who required a limited government.

Mr. Hamilton believed that monarchy was the best form of government. Mr. Adams believed that aristocracy was inevitably the best form of government. Others hoped for an enlightened dictatorship. But I said always that government is best which governs least.

Let me tell two or three quick New Hampshire stories and then turn to your comments and questions. I was in New Hampshire only once. In 1791 my young friend James Madison and I left New York City, took a boat up to Albany, took our carriage to Fort George, sailed briefly on Lake George and Lake Champlain, wandered across

to Bennington and Saratoga to view the battlefields from our great Revolutionary War, dropped down the Connecticut River to Hartford and to its mouth on the coast across from Long Island, ferried to that island and returned to New York. This was a trip of about one month in duration and although our political opponents called it an organizing trip for our emerging Republican party, Mr. Madison and I called it a botanizing expedition and we took extensive notes on the glorious flora and fauna of New England. In fact, we had no political discussions whatsoever.

On my carriage I had installed an experimental odometer and I am happy to tell you that we traveled 664 land miles and 268 nautical miles during this excursion. Beyond that I never returned to New Hampshire.

But I had friends from New Hampshire. When I was the minister plenipotentiary in France, I had a celebrated quarrel with the greatest of European scientists, a man named Boufant. It was his view and the view of other European savants that because in their view the New World had emerged from the last deluge later than the Old, it was therefore cooler and moister than the Old World and our flora and fauna were therefore comparatively degenerate with respect for their European cousins. This view was founded on erroneous science, in particular, poor ethnology in our studies of the native American savages of the West. It was my determination to refute this heresy. I had done so in my book notes on the state of Virginia. But words, I find, do not always convince. So I took with me to Paris a rather large panther skin which I presented to the Count Boufant as proof that American animals were by no means degenerate. He didn't even reply to my gift of the panther skin. Finally, my friend the Marquis de Chateaux took me to Boufant's jardin in the suburbs of Paris and there I met the great savant. Chateau said, "This, sir, is Mr. Jefferson, the man from the New World who in his book has refuted some of your theories." The great man did not even bother to look me in the eye. He merely turned to his bookshelf and pulled down his latest public volume and said, "When the Americans shall have read this, you will see that I am entirely right."

This troubled me. Here was a scientist refusing open discussion. So I scouted him and said, "Sir, it seems to me that you have confused the European reindeer with the American elk. Moreover, you have claimed that there is no American animal with a horn; a rack of more than one foot long. I can show you easily a two-foot rack from an American deer." He scoffed and said if I showed him a two-foot rack that he would burn all of his books. And then perhaps I went too far. I said, "Sir, it is my opinion that your European reindeer could walk under the belly of the American moose with two inches to spare."

The discussion and the dinner party ended abruptly. But now my pride was engaged. So I wrote a letter to my young friend, James Madison, in Virginia and said among other things, "Send me a moose." Well, Mr. Madison had no moose so he wrote to your own great Governor, John Sullivan, a Republican and a Revolutionary War hero and said among other things, "Mr. Jefferson requires a moose." I had hoped that perhaps that the Governor would buy from a hunter, an old moose carcass for a guinea or two but if you know your New Hampshire history, you know that John Sullivan did nothing by halves.

So he led a hunting party out through a blizzard through New Hampshire, 20 miles into the forest where he found a small herd of moose, selected a particularly remarkable male, shot it and then this war party discovered to its chagrin that it must now drag that 2,000-pound beast 20 miles to the nearest village. In fact, they had to cut a road to return that moose to civilization.

But they did it. He had it cleaned, its bones sorted, the whole thing crated and he shipped that large crate to: Thomas Jefferson, Minister Plenipotentiary, Court of Louis XVI; and he shipped it C.O.D.

Meanwhile, I had forgotten about the moose when a minor official from the Port Authority came to my salon in Paris and said, "Mr. Jefferson, there is a rather large crate waiting for you at the port and by the way, you owe 45 pounds sterling to redeem it." That is about 2,000 of your present dollars, and in my time, government did not reimburse such whimsicality.

So, I redeemed the moose and found that it had been slightly damaged in transit. I took it to a taxidermist and had it repaired as best as could be and then invited all of the savants of Paris including Boufant to a dinner party. I covered the moose in the corner of my dining room with a rather large sheet and after dinner I engaged him again and said, "Sir, do you still hold to your erroneous view of the degeneracy of American animals?" And he said, "Sir, there is no refutation."

Then, quietly I walked to the corner of the room and whisked that sheet off this moose and said, "I refute you thus." The whole table of scientists gasped and even Boufant was seen to grimace in his chair. He stood up and made an elegant little speech and said, "Mr. Jefferson, I see that I have been in error and I promise to adjust my books in their future printings." But, he never did. He died six months later. His errors were entailed on the next generation.

Finally, let me say a little bit about your great New Hampshire Senator, William Plummer. He came to Washington during my first administration on the second of December, 1802, newly elected from New Hampshire. He was an ardent Federalist; I was a Republican. He was deeply suspicious of my administration. He was brought by a mutual friend, Governor Varnum of Massachusetts, to the Executive Mansion, what you call the White House, in order to meet the President of the United States. I had instituted a rather casual protocol at this time so I kept him waiting for some time. When I finally did appear, he noticed a man in an old drapecoat, a waistcoat frayed along the edges, soiled hose and rather than shoes, slippers. And not only slippers, but slippers beaten down about the heel. He took me for a servant and asked me please to fetch the President and was reminded by General Varnum that I was the President.

At first he disliked me intensely, but I had the habit of inviting my moderate enemies to lavish dinner parties at the Executive Mansion and William Plummer was a friend of fine food and good wine. In the next two years, he was a modest Republican.

When I announced my intention to retire after just two terms in office, he wrote me a letter suggesting that I not do so, urging me to stay on for the good of the country and saying, "All eyes are on a star as it rises but when it voluntarily sets, those eyes turn elsewhere."

He became a Republican. In fact, he became the Republican Governor of New Hampshire. In his account of his time in the Federal City, I urge on you all, is a brilliant diary of a man of power from a state of modesty and political restraint.

Let me just say one or two more words and then turn to your questions. I believe in the goodness of man. I believe in limited government. I believe that government's chief duty is to be frugal. A national debt is a national disgrace and tragedy. During my eight years in office, we retired 60 percent of the national debt of the United States, every dollar that it was legally permissible to retire until 1809, March 4.

I believe in peace. Peace is my passion and it seemed to me as a member of the Enlightenment that it was too late in the history of the world to settle our international disputes with bloodshed.

I believe that the states are more important than the national government and that local governments are more important than the state governments and that to the extent possible, individual citizens in their communities should govern themselves as did Athens in the 4th Century, B.C.

You are here today to celebrate your Bill of Rights. It seems to me that is a much better celebration than your Bicentennial orgy of self-satisfaction over your Constitution. The Bill of Rights is fundamental. It is what every people on earth is entitled to expect from its government and against government. But your Constitution is merely a recipe for government and as I wrote to Mr. Madison in a letter from Paris, "every Constitution of the United States should be voided every 19 years — at the end of every generation, at least, so that the rising generation can rethink and recreate the United States in its own image, paying attention to its own needs and its own dreams. Every constitution should be voided every generation. The world belongs to the living, not the dead." Mr. Madison's lucubrations in Philadelphia should not impose upon you of the 20th century, a vision of government.

Few things are sacred. In my opinion, nothing is sacred but the rights of man. The Bill of Rights contains a short list, not a complete list, of human rights.

When I saw a draft of the Constitution in Paris, I was not at Philadelphia. I was shocked by how much consolidation there had been, how the good, old venerable Articles of Confederation had been overturned in favor of a much stronger central government. I had a number of concerns but chiefly, I was chagrined that there was no Bill of Rights in your Constitution.

I wrote a long series to my friend, Madison, demanding that a Bill of Rights be added to the Constitution. He disagreed, at least in the short-term. I suggested in the first instance that the final states, including North Carolina and New Hampshire, withhold their assent from the new Constitution until the Bill of Rights was added. This, in fact, led North Carolina, at my urging, to deny ratification on the first go-round. But later, I saw better of it, particularly because my friend, Mr. Madison, felt so strongly that ratification was essential to the future of the country. So I suggested the New Hampshire plan of ratifying but with a strong commitment to a Bill of Rights being added. I drafted several Bills of Rights and submitted them to Mr. Madison and something like my Bill of Rights was eventually adopted by the first Congress of the United States and promulgated to the people.

I would have added a provision against monopolies in the United States, a provision prohibiting a national debt and a provision prohibiting a standing army in a free society. It seems to me that if you must celebrate the past, the Bill of Rights is your modest celebration. Your Constitution deserves almost none.

I would urge you in the late 20th Century to gather together in a sober Constitutional Convention to rewrite the Constitution for the 21st Century relying somewhat on the wisdom of the past but chiefly on your own dreams of the future.

I said in a letter just before I assumed the Presidency, "I have sworn upon the altar of God, eternal hostility toward every form of tyranny over the rights of man." To that goal I gave my life.

Just three more thoughts. I was a bit surprised to see that we began our session today with not only one but two prayers. I will say in candor that I had hoped by the

20th Century that christianity would have faded away in favor of a more rational approach to the deist God.

I was secondly surprised to see men of arms in your chamber. A peaceful gathering requires no such protection, I would hope.

And finally, when you pledged allegiance, the thing I find somewhat suspicious is that I heard you speak of the indivisibility of America. I must disagree. The states in the Federal Union are a voluntary compact of Confederation, freely joined. That Confederation can be freely dissolved at the insistence of any participant. We hope the nation will be indivisible but if any state, including New Hampshire, wishes to secede, our national response should not be bloodshed or the myth of indivisibility but we ought to dissuade them. If they wish to go, we ought to say farewell and to urge them to return when it seems fitting and useful.

The states, Virginia, New Hampshire, Rhode Island, Delaware, these are the sovereign nations of the New World. In my view, the United States is a Confederation and has certain extremely limited national and international duties — in my view, the Coast Guard, the post office and a common currency. Everything else, as the 10th amendment states, should be left to the people, the sovereign. The closest governments can minimally handle their concerns, state and local government.

So I am here today to remind you that the Bill of the Rights primarily celebrates you, the sovereign people of New Hampshire and not the national government.

Now, questions. Your questions can be historical or contemporary. They can be personal or public and they can be rude or polite. I understand that it is the habit of your citizens of the 20th Century to ask rude questions.

Question asked by Rep. Robert H. Guest, Hanover:

Sir, despite what you say about the rights of the people, why is it that when you were alive, you never confessed that women had certain inalienable rights? And furthermore, how do you justify the fact that at Monticello you had slaves and indeed you had a servant mistress at home?

This is three questions. Let me answer two of them briefly. With respect to your suggestion that I had a slave mistress, this is absolutely none of your business. I wonder which of you in this room would have your private life examined in a public arena. Your interest in my private life is perhaps inevitable, given my prominent place in American history but it is misguided, it seems to me. You have no right to the private life of a public official unless that private life impinges on his ability to serve the people of his constituents.

As to slavery, this could be a long discourse, I will make it short. There is no justification whatsoever for the ownership of slaves. I abhor the practice. It is an abominable and extricable institution. I spent my entire life trying to legislate it out of existence. The sad fact is the American people in the late 18th and early 19th Centuries were not prepared to do simple justice.

I said, "What an abominable machine is man that he can fight to the last ditch, preserve his own liberties one week and having secured them, systematically deny those liberties to another people abducted from its continent, forced into servitude for no reason other than its skin color." Even in the Declaration of Independence, which I wrote in 1776, there was a provision which would have driven a wedge into the institution of slavery. But that provision, which accused George III of personally aiding and abetting the slave trade, was deleted at the insistence of the Carolinas and Georgia and, indeed, several of your New England slave-trading states.

I wrote a bill which was a preamble to our state Constitution in Virginia which would have freed all children of Negroes in the year 1800. It was overwhelmingly defeated. As a United States Congressman, I wrote the bill for the government of the Western Territories in 1784. It would have prohibited slavery from crossing the Appalachian mountains. It lost in the National Congress of the United States by one vote and so on. My record for emancipation is clear, I think, and unambiguous.

Why then didn't I free my own slaves at Monticello? Unfortunately, there was nowhere for them to go. They were childlike, having been degraded in their spirit systematically. That's how slavery works. They were illiterate. Any freed slave in Virginia was required to leave the borders of that sovereign state within 12 months. No emancipated Negroes could live in Virginia. Other states did not welcome these wretched beings. There was no social safety net, as you would call it, to absorb them — no jobs, no training, no housing, no education.

In short, those who were freed on a principle of simple benevolence were doomed to starvation or crime or despair — or worse, to other plantations where surely they would not be used as well as they were at Monticello. But there is no justification, whatsoever, for owning slaves.

And finally, women. This will not please all of you but let me say that it is my firm opinion that the tender breasts of ladies were not formed for political convulsion. Better that ladies smooth the feathers of their husbands returning ruffled from political debate. I said, "Our American angels mistake themselves much. They wish to join the French amazons in the public arena. The happiness of the American ladies, if they only knew to recognize it, resides in the nursery."

In 1816 when my great Secretary of the Treasury, Albert Galatin, wrote me saying, "Mr. Jefferson, doesn't the French Revolution show us that women should play an important role in public office?" I said, "This, sir, is a proposition that the American people are not prepared for, nor am I."

Thank you.

Sen. Dupont and Rep. Gross moved that the Joint Convention arise.

Adopted.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1044, relative to fees of notaries public, was removed at the request of Rep. Murphy.

HB 1043, relative to the Hampton district court and making an appropriation therefor, was removed at the request of Rep. Felch.

Adopted.

HB 1075, relative to location of court hearings in abuse or neglect cases. **OUGHT TO PASS.**

This bill removes the mandatory requirement that any court hearings in abuse or neglect of children cases not take place in any rooms used for criminal trials by merely requiring that use of such rooms be avoided whenever possible. The Committee supports this because in many courts there are space limitations. Vote 14-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

HB 1094-FN-A, establishing a task force on illegal drug sales and use and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The Committee, after conferring with the sponsor, felt that this bill, which calls for a task force to study the extent of illegal drug sales and use in New Hampshire, is very similar to HB 530 already passed by the House. The Committee will submit an amendment to the Senate which will enlarge the task force in HB 530 and broaden its charge. Vote 14-0. Rep. Pamela B. Bean for Children, Youth and Juvenile Justice.

HB 1239-FN, relative to transportation of juveniles by county sheriffs. **INEXPEDIENT TO LEGISLATE.**

The result of the proposed legislation would be the shifting of payment for transportation of juveniles to the Division for Children and Youth Services. No statistics were provided to allow the Committee to evaluate the size or impact of the problem. Additionally, the sheriff's representative stated that the sheriff could and does refuse, so the Committee unanimously rejected this bill as the answer to the possible problem. Vote 14-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 1374-FN-A, relative to guardians ad litem and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Among the issues being considered by this Committee in sending HB 1374 to interim study would be the services of the attorneys who represent children and guardians ad litem who perform the same services. Vote 14-0. Rep. Dorothy C. Bowers for Children, Youth and Juvenile Justice.

HB 1188-FN, establishing an optional program based on rebate of the school portion of local property tax. **INEXPEDIENT TO LEGISLATE.**

The sponsor suggested inexpedient for this bill because of serious constitutional questions and problems with the drafting of the bill. The subject of education funding is being addressed in two other bills also assigned to the Committee. Vote 18-0. Rep. Douglas A. Lachance for Education.

HB 1210-FN, establishing the public school choice program. **INEXPEDIENT TO LEGISLATE.**

The Committee feels that choice in education is a concept that deserves further study. Both HB 1210 and another bill, HB 1175, deal with this issue. The Committee felt that it was not necessary to study both bills and will take action on HB 1175 at some future time. Vote 19-0. Rep. Douglas A. Lachance for Education

HB 1230-FN, allowing Hart's Location to establish a school district. **OUGHT TO PASS.**

It is necessary that this incorporated area be allowed to form its own school district. The residents have voted to do so. Vote 19-0. Rep. Kathleen M. Hoelzel for Education.

HB 1271-FN-A, relative to constitutional literacy, public officials, and certain employees and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The members of the Education Committee feel that Senate Concurrent Resolution No. 1 is a better and more cost-effective way to promote constitutional literacy. Vote 19-0. Rep. Douglas A. Lachance for Education.

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1288, as amended, ratifies the "Interstate Agreement on Qualification of Educational Personnel" which has been entered into by the states of Connecticut,

Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont. The agreement states that any teacher, administrator, or support school professional who holds a valid certificate/license issued by a state party to this contract shall be eligible for a Northeast Regional Credential which would be in effect for two years during which time the individual would be able to meet the requirements for New Hampshire certification and making it possible for the individuals to be immediately employed in this state. The cost for this Northeast Regional Credential would be borne through the payment of fees by the applicants. Vote 19-0. Rep. Susan D. Carter for Education.

Amendment

Amend RSA 200-L:2 as inserted by section 1 of the bill by replacing it with the following:

200-L:2 Agreement. This contract is entered into and shall be in force in accordance with its terms and is between and among the following states party to the "Interstate Agreement on Qualification of Educational Personnel" which have subscribed hereto as evidenced by an attached signature page properly executed by the appropriate officials of the states involved: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. In each instance, such a signature page shall specifically identify this contract in such manner as to make clear that the signatures thereon represent and constitute execution of this contract. The states entering into this contract hereby covenant and agree as follows:

Article 1. Consideration and Authority. The consideration for this contract is the mutual implementation of the policy and purpose set forth in the interstate agreement on qualification of educational personnel and the benefits flowing therefrom as declared in the said interstate agreement. The Authority for the making of this contract is the interstate agreement on qualification of educational personnel, as enacted by each of the contracting states, and the applicable statutes of each such state in implementation of the agreement.

Article 2. Incorporation of Interstate Agreement and Definitions.

(a) This contract is pursuant to and in implementation of the interstate agreement on qualification of educational personnel. All provisions of that agreement shall govern, to the extent that they apply to the subject matter of this contract, whether or not such provisions are specifically set forth or referred to herein.

(b) As used in this contract:

1. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his/her state, contracts pursuant to the interstate agreement.

2. "State" means the states of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

3. "School support professional" means any person other than a teacher or school administrator, as defined below, on either the state or local level who is required by law to hold a certificate/license based on the minimum of a baccalaureate degree in order to be employed in a professional capacity in a school system.

4. "School administrator" means a school professional required by law to hold a certificate/license whose primary duties involve the development, supervision, or internal management of a school, school system or school program rather than the furnishing of direct instructional or other services to pupils.

5. "Teacher" means a school professional required by law to hold a certificate/license whose primary function is to provide instruction to students at the

preschool or kindergarten level, or in any one or more grades from grade 1 to grade 12, inclusive.

Article 3. Interstate Acceptance; Northeast Regional Credential. Any teacher, school administrator, or school support professional who holds an initial or advanced certificate/license issued by a state party to this contract, which certificate/license is still in force and which has been classified as comparable pursuant to Article 4 of this contract, shall be eligible for a northeast regional credential. The northeast regional credential shall be issued upon request by the state which has issued the state certificate/license and in accordance with the administrative procedures and payment of fee established by unanimous agreement of the designated state officials. Such credential will allow the individual to perform those professional duties allowed by the comparable state certificate/license in any school system within any state which is a party to this contract. The northeast regional credential shall be valid for 24 months from the date of issuance and shall be non-renewable. Each state may designate a period of time, not to exceed 24 months, during which an individual may be employed in that state while possessing a northeast regional credential. No northeast regional credential issued pursuant to the terms of this contract shall be revoked or otherwise impaired because the contract has expired or been terminated.

Article 4. Comparability of Certificates/Licenses. The designated state officials shall determine by unanimous agreement which certificates/licenses are comparable for the purposes of this contract. Such determination of comparability is set forth in an appendix which is attached to and made a part of this contract. The designated state officials or their representatives shall meet at least annually to consider whether the list of comparable certificates/licenses should be revised. Any revisions shall be made by amendment to this contract as set forth in Article 7.

Article 5. Suspension and Revocation. Revocation or suspension of an individual's certificate/license imposed by the issuing state shall automatically result in the imposition of the same penalty with respect to the northeast regional credential held by that individual. The state in which the individual is employed under the northeast regional credential may revoke or suspend the northeast regional credential on any ground which would be sufficient for revocation or suspension of a certificate/license initially granted by that state and in accordance with its procedural due process.

Article 6. Construction and Severability. This contract shall be liberally construed so as to effectuate the purposes thereof. The provisions of this contract shall be severable and if any phrase, clause, sentence, or provision of this contract is declared to be contrary to the constitution of any of the party states or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this contract shall be held contrary to the constitution of any state participating therein, the contract shall remain in full force and effect as to the state affected as to all severable matters.

Article 7. Amendment of Contract. In addition to those responsibilities in Article 4, the designated state officials or their representatives may evaluate the effectiveness of the northeast regional credential and may recommend amendments to this contract. Any provisions of this contract may be amended upon unanimous agreement of the designated state officials.

Article 8. Term. This contract shall be for a term to commence on April 1, 1990, and shall terminate on March 31, 1995. It may be renewed for successive periods of 5

years. Withdrawal, except withdrawal by failure to renew, may be on one year's written notice to the designated state officials and central state recordkeeping agencies of the other party states.

AMENDED ANALYSIS

This bill adopts the interstate agreement on qualification of educational personnel (northeastern states).

The bill also requires the commissioner of education to execute all documents and perform all other acts necessary to enter into and carry out the provisions of the agreement.

The bill was requested by the department of education.

Referred to Appropriations.

HB 1342, relative to school district elections. INEXPEDIENT TO LEGISLATE.

The subject matter of HB 1342 is already covered by current law. Communities can now vote to have school district elections by separate ballot at town elections. The Committee feels that there is no need for this bill. Vote 19-0. Rep. Dennis R. Bolduc for Education.

HB 1359-FN, relative to regional vocational education. OUGHT TO PASS.

Although the State Board of Education would continue to set policy with respect to regional vocational education, this bill removes the Board of Education from certain administrative functions called for in earlier statutes. The Commissioner of Education is designated as administrator. The bill also requires that all school districts be required to submit transportation and tuition costs by September 30. Vote 19-0. Rep. Robert H. Guest for Education.

HB 1007, relative to limiting hunting in the town of Candia. INEXPEDIENT TO LEGISLATE.

The Committee concurs with the sponsors that a local warrant article is needed. Therefore, Inexpedient to Legislate meets with everyone's approval. Vote 15-0. Rep. William P. Boucher for Fish and Game.

HB 1027-FN, establishing a black bear management program and requiring a special bear license. OUGHT TO PASS WITH AMENDMENT.

This bill was amended to create a special bear tag which can be used as a management tool by the Fish and Game Department. The tag will cost \$2, in addition to the cost of a New Hampshire hunting license. Vote 17-1. Rep. David M. Scanlan for Fish and Game.

Amendment

Amend RSA 208:24 as inserted by section 1 of the bill by replacing all after paragraph I with the following:

II. No person shall take wild black bears in this state without first procuring a special bear tag in addition to the applicable license to hunt issued pursuant to RSA 214:9 or 208:5. The cost of said special bear tag shall be \$2.

III. The special bear tag shall be in such form as determined by the executive director in rules adopted under RSA 541-A. The holder of a special bear tag shall, upon killing a bear, fill out and securely attach to the bear's ear the bear tag bearing the name and address of the licensee and other information that the executive director determines to be appropriate. The bear tag shall remain attached to the bear as long as the bear carcass remains in the state. Only the bear tag issued to the licensee who

killed the bear shall be attached to that bear. No person shall possess a bear tag that was not issued to that person. No person shall attach a bear tag to a bear he did not kill.

IV. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the bear management fund, into which all fees collected by the fish and game department from special bear tags shall be deposited. The moneys in this account shall be used exclusively to supplement the management, research, and protection of black bears, and are hereby continually appropriated for said purposes.

V. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires that persons who wish to hunt black bear must have a special bear tag in addition to the regular hunting license. This tag will be issued to attach to the bear carcass.

This bill also establishes a black bear management program.

The bear tag fees are deposited into a fund which will be used exclusively as a supplement for the management, research and protection of black bears.

Referred to Appropriations.

HB 1033, relative to fishing in the Connecticut River. OUGHT TO PASS.

This bill clarifies references to persons who are legally entitled to fish in the Connecticut River. Vote 17-0. Rep. Laura C. Pantelakos for Fish and Game.

HB 1355-FN-A, relative to the by-pass around the towns of Conway and North Conway and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

After listening to considerable testimony and being briefed by the Department of Transportation, it was decided by the Committee that pursuit of a western by-pass alternative around the town of Conway would be fruitless, and it should push forward with more viable solutions. There is little support for and no real hope of ever constructing a by-pass in the White Mountain National Forest. The Committee is considering other proposed options to the Conway traffic problems. Vote 13-0. Rep. Gene G. Chandler for Public Works.

HB 1356-FN-A, relative to upgrading Route 16 in the town of Conway and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The subject matter of Route 16 and Conway's traffic problems were presented in several bills and will be considered in HB 1102 and presented to the House by the Committee. Vote 13-0. Rep. Fredrik Peyron for Public Works.

HB 1040-FN, relative to civil and criminal penalties in the safe drinking water act. OUGHT TO PASS WITH AMENDMENT.

While the Water Supply and Pollution Control Division has the authority through RSA 485:4 to pursue violators, the Attorney General has been reluctant to pursue cases because the only remedy was a criminal misdemeanor charge. This legislation allows the Attorney General to pursue violators on a civil basis and the amendment allows fines up to \$25,000 per day. Vote 12-0. Rep. Stephen G. Avery for Resources, Recreation and Development.

Amendment

Amend RSA 485:8, II as inserted by section 2 of the bill to read as follows:

II. Any knowing violation of any provision of [RSA 485:8, II; 31; 42; 43; 46; or 48 of] this chapter, any rule adopted under [RSA 485:2, 3, 40, 41, 44 or 47,] *this chapter*; any term or condition of an approval, exemption, variance or order issued under [RSA 485:8, II; 31; 42; 43; 46; or 48,] *this chapter* or any misstatement of a material fact required to be disclosed under [such sections] *this chapter* shall constitute a misdemeanor for a natural person and a felony for any other person. *Notwithstanding RSA 651:2, any person, in addition to any sentence of imprisonment, probation, or conditional discharge, may be fined not more than \$25,000 for each day of violation.*

HB 1149-FN, relative to expending national forest reserve funds in unincorporated towns and unorganized places. OUGHT TO PASS.

This bill makes statutory changes consistent with the legislation passed last session relative to the expenditure of the proceeds of timber sales in the unincorporated towns and unorganized places. Vote 15-0. Rep. James A. Whittemore for Resources, Recreation and Development.

HB 1173-FN-A, relative to a preliminary determination of wetlands and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Even though there is a problem with the system which results in a very long wait for wetlands approval of projects, this bill will not help the situation. Since there is no way to insure that additional personnel will be hired to make the early determination required by this bill, the time required for normal approval of projects under RSA 482-A:3 might actually be increased because of the diversion of manpower required to make these early determinations. Vote 15-0. Rep. Robert E. Marston for Resources, Recreation and Development.

HB 1354-FN, relative to boat registrations. OUGHT TO PASS WITH AMENDMENT.

House Bill 1354, as amended, represents the product of the efforts of the Committee established to Study the Fee Structure and Assessed Valuation for the Registration of Boats (SB 71, Chapter 368, Laws of 1989). The Committee believes that the study Committee has done an excellent job of recodifying the laws pertaining to boat registration and removing the existing inequities in the fee structure. Furthermore, the registration fees, previously paid to the United States Coast Guard by boats in the tidal and coastal waters, will now benefit our seacoast area through the New Hampshire Port Authority. Vote 12-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Chapter; Vessel Registration and Numbering. Amend RSA by inserting after chapter 270-C the following new chapter:

CHAPTER 270-D**VESSEL REGISTRATION AND NUMBERING**

270-D:1 Statement of Purpose. It is the intent of the general court in this chapter to establish a uniform fee structure and numbering system for all boats using the public waters of the state of New Hampshire, which includes inland waters as well as tidal

and coastal waters. This chapter specifies which boats are subject to the boat fee and registration fee, how these revenues are to be allocated and used, and how the registration numbers are displayed.

270-D:2 Definitions. In this chapter:

I. "Airboat" means any shallow-draft vessel propelled by an airplane propeller and steered by an airplane rudder or any vessel, including a hovercraft, which is designed to travel on a cushion of air on or within 2 feet of the water, not including any mechanical device which also functions as an airplane.

II. "Commercial vessel" means:

(a) Any vessel used as a common carrier of passengers or property operating on a regular schedule;

(b) Any vessel propelled by electric or mechanical power carrying passengers for hire;

(c) Any such vessel or outboard motor when rented either separately or in connection with camps, cottages, or other real estate; provided, however, any applicant applying for a commercial vessel registration pursuant to this subparagraph shall certify that said application is bona fide and that the applicant does in fact rent the vessel or outboard motor on a regular commercial basis either separately or in connection with the camp, cottage or other real estate under penalty of perjury. The commissioner shall be the sole judge of whether or not the applicant qualifies for a commercial vessel registration pursuant to this subparagraph; or

(d) Any such vessel or outboard motor used by the proprietor of any school or camp in which minors are received for compensation, or by any officer, agent or employee of such proprietor for the transportation of minors.

III. "Commissioner" means the commissioner of the department of safety.

IV. "Common carrier" means any person who undertakes, directly, or by his agent or under a lease or any other arrangement, to transport passengers or property on the public waters of the state operating on a regular schedule, for compensation.

V. "Department" means the department of safety.

VI. "Documented vessel or motorboat" means a vessel or motorboat for which a certificate of documentation has been issued by the United States Coast Guard.

VII. "Manufacturer or dealer" means any person engaged in the business of manufacturing or dealing in vessels or outboard motors.

VIII. "Motorboat" means a watercraft of any size equipped with propelling machinery, whether or not the machinery is the principal source of propulsion.

IX. "Numbers and numbering" means the appropriate number and the process of issuing identification numbers and a numbers certificate for a vessel or motorboat.

X. "Private vessel" means any vessel, not a commercial vessel, propelled by electric, human or mechanical power used exclusively for pleasure purposes by its owner, or others with his permission.

XI. "State of principal use" means the state on whose waters a vessel is used, or is to be used, the most during the calendar year.

XII. "Vessel" means every description of watercraft, other than seaplanes, used or capable of being used as a means of transportation on water.

270-D:3 Registration Required.

I. No person shall operate a vessel on any waters of the state, including tidal and coastal waters and all inland waters, unless the vessel is registered as required in this chapter or is exempt as provided in RSA 270-D:4.

II. The department shall furnish a registration certificate or temporary registration certificate and a vessel number to any person who meets the registration requirements. The certificate shall be kept upon the vessel at all times it is being operated, and the certificate shall be open to examination by any duly authorized representative of the department, peace officer, fish and game officer, or representative of the port authority upon request. A person who refuses to produce the certificate upon request or who fails to keep the certificate on the vessel shall be guilty of a violation.

III. Application for registration shall be in such form and contain such information as the commissioner shall determine. The fees required by RSA 270-D:5 shall accompany the application. The application shall also contain the following statements: "If this application is for a boat with temporary or permanent sleeping and toilet facilities (houseboat) and it will be moored at one location in New Hampshire, state where it will be moored. If it is not to be moored at one location in New Hampshire, notification to the New Hampshire division of water supply and pollution control of the places of mooring of the houseboat is required in accordance with the provisions of RSA 270-A."

IV. Every application for the registration of a vessel subject to the boat fee imposed by RSA 72-A:2 shall be accompanied by a receipt showing the payment of the fee or the fee required by RSA 72-A:2.

V. All registrations issued under this chapter shall expire on December 31 next following the date of issuance unless sooner terminated by the department.

VI. All records of the department made or kept pursuant to this chapter shall be public records.

VII. The department shall issue decals consistent with the federal vessel numbering system indicating the expiration of the registration.

VIII. The commissioner may authorize any person to act as an agent of the department for the purpose of processing registration applications.

270-D:4 Exemptions from Registration. The following vessels shall be exempt from registration in this state:

I. Sailboats under 12 feet in length, rowboats and canoes powered by sail, oars, paddles, or other human power. Any vessel which has an inboard or outboard motor shall not be exempt from registration except as provided in paragraph II.

II. Vessels registered in another state or country temporarily using the waters of this state for not more than 30 consecutive days.

III. Vessels owned or operated by the United States government.

270-D:5 Registration Fees.

I. The registration fees for commercial, private, and pleasure vessels, including rentals and airboats shall be as follows:

- (a) Up to and including 16 feet \$12
- (b) 16.1 feet to 21 feet \$17
- (c) 21.1 feet to 30 feet \$26
- (d) 30.1 feet to 45 feet \$36
- (e) 45.1 feet and over \$46

II. In addition to the fees required by paragraph I there shall be the following registration fees:

(a) \$.50 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the exotic weed control fund established under RSA 487:18.

(b) \$1 for each registration required by this section. The fees collected under this subparagraph shall be paid into the fish and game search and rescue fund established under RSA 206:42.

(c) \$1.50 for each registration processed by an authorized agent of the department who is not an employee of the department. The fees collected under this subparagraph shall be collected and retained by the authorized agent as compensation for processing the registration.

III. A vessel manufacturer or dealer, or a person engaged in vessel repair maintenance, shall pay \$5 to the department for an initial registration certificate, and \$3 for each additional registration certificate.

270-D:6 Exemption from Registration Fees. Although required to register under RSA 270-D:2, vessels owned or operated by the state or any subdivision thereof shall be exempt from registration fees.

270-D:7 Disposition of Revenues.

I. Except as provided in paragraph II, all fines collected under this chapter, all sums received from the state treasurer on account of the unrefunded motor vehicle road tolls, and the amount of fees generated by RSA 270-D:5, I and III shall be made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter.

II. All fees collected under RSA 270-D:5, I and III for vessels registered for tidal and coastal waters shall be made available to the port authority for the purposes of safety, navigation, training, administration, and enforcement.

270-D:8 Display of Numbers Required.

I. Every vessel required to be registered in this state shall display the vessel numbers issued to the vessel as part of the registration process, unless the vessel is exempt under the provisions of RSA 270-D:9.

II. The owner shall paint on, attach or otherwise display to each side of the forward half of the vessel the numbers assigned by the department not less than 3 inches in height, with block letters of contrasting color, and they shall be clearly readable when the vessel is being operated. The numbers shall be maintained in legible condition. No numbers other than the numbers validly assigned to a vessel shall be painted, attached or otherwise displayed on either side of the forward half of such vessel.

III. Any person who operates a vessel on the inland or tidal and coastal waters of this state without displaying the vessel numbers and the decal required by this chapter in the manner required by this chapter, unless exempt under the provisions of RSA 270-D:9, shall be guilty of a violation for a first offense and a misdemeanor for a second offense.

270-D:9 Exemptions from Displaying Numbers.

I. A vessel shall not be required to display a number under this chapter if it is:

(a) Covered by a certificate of numbers in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state.

(b) A foreign vessel temporarily using waters subject to United States jurisdiction.

(c) A vessel owned, or demise chartered, and operated by the United States government, except a recreational-type public vessel; or a vessel whose owner is a state or subdivision thereof, which is used primarily for governmental purposes, and which is clearly identifiable as such.

(d) A vessel's lifeboat.

(e) A vessel which is documented by the United States Coast Guard or its federal agency successor.

(f) A vessel which is being operated under a temporary certificate.

(g) A nondocumented vessel used exclusively for racing events.

(h) A sailboat under 20 feet in length, or any vessel that is only powered by oars or paddles. Any vessel which has an inboard or outboard motor shall not be exempt from displaying a number except as otherwise provided in this section.

II. A vessel which is exempt from displaying a number but which is otherwise required to be registered in this state shall display a decal issued by the state.

270-D:10 Notice of Transfer, Destruction or Abandonment. The owner shall furnish the department written notice of the transfer of all or any part of his interest, other than the creation of a security interest, in a vessel registered in this state pursuant to this chapter or the destruction or abandonment of such vessel within 15 days of its transfer, destruction or abandonment. Such transfer, destruction or abandonment shall terminate the certificate of numbers for such vessel, except that in the case of a transfer of a part interest which does not affect the owner's rights to operate such vessel, the transfer shall not terminate the certificate of numbers. If a vessel is transferred, the original number shall be retained by the new owner. A person who transfers the ownership of a vessel, upon filing a new application, may have another boat registered in his name for the remainder of the period for which the vessel is registered for \$3.

270-D:11 Change of Address. Any person who has a vessel registered in this state shall notify the department in writing within 15 days if his address no longer conforms to the address appearing on the certificate and shall, as a part of the notification, furnish the department with his new address.

270-D:12 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A relative to:

I. The information to be contained in an application for registration.

II. Decals necessary to implement this chapter, including temporary decals.

III. Certificates of numbers.

IV. Display of numbers.

V. Reports on change of address.

VI. Destruction, abandonment, sale or transfer of ownership.

VII. The form of annual reports for common carriers.

VIII. The form of accounts and all other records to be kept by common carriers.

IX. The length of time a common carrier shall keep accounts and records.

X. Procedures allowing for registering a vessel for more than one year if feasible.

XI. All matters necessary for the issuance and revocation of authority to act as a boat agent for the department.

XII. Other matters related to the administration of this chapter.

270-D:13 Dealer's Registration.

I. A manufacturer or dealer of vessels and outboard motors may make application to the department for a general distinguishing number for his vessels.

II. A manufacturer or dealer shall not loan the numbers which have been assigned to him under this chapter to a sub-agent or to any other person. Such numbers may be used on vessels when used in connection with said manufacturer's or dealer's business or for pleasure purposes, but in no case shall they be used on vessels carrying persons or property for hire or compensation.

270-D:14 Temporary Registration. A person desiring to register a vessel shall apply for registration and pay the required boat fee and registration fee to the department or an agent of the department. Upon receipt of such application and fees, the department or agent of the department shall issue to the purchaser a receipt for such payment and a decal. The decal issued shall be attached to the vessel. The decal shall be evidence that application has been made for registration, and such vessel or motor may be operated for a period of not more than 30 consecutive days thereafter. Permanent numbers, when received, shall be attached immediately by the applicant.

270-D:15 Suspension of Dealer's Registration; Penalty. The commissioner shall have the authority to suspend or revoke the registration of any manufacturer or dealer who violates any of the provisions of this chapter. Any manufacturer or dealer who violates any of said provisions shall be guilty of a misdemeanor.

270-D:16 Repair Numbers.

I. A person who engages in the business of maintaining or repairing vessels may make application to the department for a general distinguishing number for the boats which he is maintaining or repairing.

II. The commissioner may, if he is satisfied of the facts stated in the application, issue to the applicant a certificate containing the name, residence, and address of the applicant and the general distinguishing number assigned together with such provisions as the commissioner may determine. All vessels being maintained or repaired by said person may, while being maintained or repaired, be regarded as being registered under such distinguishing number, provided the number issued by the commissioner is attached to the vessel.

III. A person to whom such number has been assigned shall not loan the number plates to any person. Such numbers may be used on vessels which are being maintained or repaired by him as part of his business only when such vessels are being operated by the person to whom the plates were issued or a person employed by him. In no case shall such plates be used on vessels for any other purpose.

270-D:17 Revocation of Registration. In addition to any other authority provided by law, the commissioner is hereby authorized to revoke or suspend any registration issued pursuant to this chapter upon a showing that:

I. The owner has violated any provision of this chapter, RSA 270, RSA 270-A, RSA 270-B, or any rules adopted under these chapters, or has allowed another person to violate any of these laws or rules.

II. The owner has failed to pay the boat fee required by RSA 72-A:2.

III. The owner is physically or mentally an improper or incompetent person to operate a vessel or is operating improperly or so as to endanger the public.

IV. The owner has defaulted on a court summons arising from a violation of boating laws or rules.

Regulation of Common Carriers

270-D:18 Common Carriers; Application, Orders.

I. No person shall operate a vessel as a common carrier of passengers or property on a regular route and schedule between points on public waters of the state, unless the department authorizes the operation.

II. An order authorizing, in whole or in part, an operation for which application is made shall be issued to any qualified applicant.

III. Applications shall:

(a) Be in writing to the department.

(b) Contain the information required by the department.

IV. Conditions for qualification:

(a) The applicant shall be fit, willing and able to properly perform the proposed service.

(b) The applicant shall conform to the provisions of RSA 270 and any rules adopted by the commissioner under RSA 270.

(c) The proposed service shall be for the benefit of the present or future public convenience.

270-D:19 Rates, Charges, and Schedules. Every common carrier by water shall establish and charge just and reasonable rates for transportation of passengers or property on the public waters of the state. Such rates and tariffs, together with a schedule of the service offered, shall be published, filed with the department and kept open to public inspection, and no common carrier shall demand or collect or receive a greater or less or different compensation for transportation than the rates specified in the tariff in effect at any time. Any person, organization, or body politic may make complaint in writing to the department that any rate, fare, or charge in effect, or proposed to be put in effect, is or will be unjust or unreasonable. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the department shall be of the opinion that any rate, fare or charge in effect or proposed to be in effect is unjust or unreasonable, the department shall determine and prescribe the lawful rate, fare, or charge thereafter to be observed.

270-D:20 Change in Rates, Charges and Schedules. Unless the department otherwise orders, no change shall be made in any rate, fare, charge or price, which has been filed or published by a common carrier by water in compliance with the requirements hereof, except after 30 days' notice to the department and such notice to the public as the department shall direct.

270-D:21 Reports; Accounts; Records.

I. The department may require:

(a) Annual reports from all common carriers by water.

(b) Specific answers to any questions deemed necessary by the department.

II. The department or its representative shall have access, at reasonable times, to all accounts, records and other documents of a carrier which relate to RSA 270-D.

Licenses and Inspections

270-D:22 Commercial Vessels, Penalty.

I. Any person who shall use any commercial vessel or commercial outboard motor on any public waters in this state without a certificate of inspection, or shall act as captain, master, pilot, engineer or operator on any such boat or launch without having been examined and certified in that capacity, or shall so act when his certificate has been revoked or suspended, or who shall violate any rule adopted by the department with reference to the inspection, equipment, or operation of such vessels or launches, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. The commissioner, after hearing, may revoke or suspend the certificate of any captain, master, pilot, or engineer of any commercial vessel for violation of RSA 270 or the rules and regulations prescribed thereunder.

III. All licenses to operate a commercial vessel shall expire the second December 31 following the date of issuance.

IV. A person who possesses a valid license issued by the federal government shall be deemed to comply with this section.

270-D:23 License Fees. There shall be paid to the commissioner for every general certificate of captain, master, pilot or engineer, \$4; and for every limited certificate of captain, master, pilot or engineer, \$2. A general certificate shall entitle the holder thereof to act in the capacity named on any vessel of the class described in the certificate; a limited certificate shall entitle him to act in such capacity only on a particular vessel named in the certificate. Only one certificate shall be required to entitle the holder thereof to act in any or all of the above capacities on any motorized vessel permitted to carry a maximum of 25 persons.

Amend RSA 72-A:2 as inserted by section 3 of the bill by inserting after paragraph III the following new paragraph:

IV. Boats that are exempt pursuant to RSA 270-D:4.

Amend RSA 72-A:5, II as inserted by section 6 of the bill by replacing it with the following:

II. When the boat fee is collected by the [division of motor vehicles] *department of safety*, the department shall [each month] *at least weekly* send all boat fees so collected to the state treasurer to be deposited in the general fund.

Amend section 13 of the bill by inserting after paragraph XII the following new paragraph:

XIII. RSA 6:12, I(ee), relative to the harbor management fund.

Amend the bill by replacing all after section 13 with the following:

14 Harbor Management Fund.

I. The moneys in the harbor management fund established under RSA 270-C:3 on December 31, 1990, shall not lapse and shall be available, upon the approval of governor and council, to the port authority for the purpose of completing the study and developing the harbor management plan as required under RSA 270-C:3, II(a) and to the office of state planning for the purpose of completing the study as required under RSA 270-C:3, II(b).

II. Notwithstanding RSA 270-D:7, registration fees collected under RSA 270-D for vessels registered for tidal and coastal waters shall be deposited into the same account as the nonlapsing harbor management fund moneys under paragraph I, until such time as \$50,000 has been collected and deposited under this paragraph into such fund. Moneys deposited into such account under this paragraph shall be available to the port authority and the office of state planning, under the same circumstances and for the same purposes as provided in paragraph I.

15 Effective Date. This act shall take effect January 1, 1991.

HB 1405-FN-A, relative to sludge and septage management programs and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1405 transfers the responsibility for septage and sludge disposal from the Division of Waste Management to the Division of Water Supply and Pollution Control and provides for one environmentalist IV and one clerk IV to administer the program. This will bring the state into compliance with new Environmental Protection Agency regulations and enable the state to address a problem that is becoming critical in New Hampshire: the availability of septage and sludge disposal facilities. The appropriation of \$79,000 will be covered by a \$5 surcharge on subdivision approvals and a septage hauler's permit fee and will therefore have no impact on the

General Fund. Vote 12-3. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the introductory paragraph of RSA 21-O:7, I and I(a) as inserted by section 1 of the bill by replacing them with the following:

I. There is established a water supply and pollution control council which shall consist of [13] **16** members.

(a) [Eight] **Eleven** of the members shall be public members appointed by the governor, with the consent of the council, who shall serve for terms of 4 years. Of these members, 2 shall represent the industrial interests of the state; one shall represent the vacation home or private recreational interests of the state; one shall represent the agricultural interests of the state; one shall be an employee of any municipal or privately owned waterworks in the state; **one shall be a representative of the septage hauling industry, nominated by the New Hampshire Association of Septage Haulers;** [and] one shall be a member of a state-wide nonprofit conservation or environmental organization; **one shall be a treatment plant operator; and one shall be a designer or installer of septic systems.** The 2 remaining members shall be appointed and commissioned respectively as the chairman and vice chairman of the council;

Amend RSA 485-A:2, IX-a as inserted by section 9 of the bill by replacing it with the following:

IX-a. "Septage" means material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste.

Amend RSA 485-A:2, XI-a as inserted by section 10 of the bill by replacing it with the following:

XI-a. "Sludge" means the solid or semi-solid material produced by water and wastewater treatment processes; provided, however, sludge which is disposed at solid waste facilities permitted by the waste management division of the department of environmental services shall be considered solid waste and regulated under RSA 149-M.

Amend the bill by replacing section 12 with the following:

12 New Section; Municipal Septage Disposal Facilities. Amend RSA 485-A by inserting after section 5-a the following new section:

485-A:5-b Municipal Responsibility. Each municipality shall either provide, or assure access to, a division of water supply and pollution control approved septage facility for its residents for a minimum of a 5-year period.

Amend the bill by replacing section 14 with the following:

14 New Paragraphs; Failure to Provide Septage Disposal Facility; Enforcement.

Amend RSA 485-A:22 by inserting after paragraph V the following new paragraphs:

V-a. Upon receipt of information by the division that a municipality has not complied with RSA 485-A:5-b relative to septage disposal, the division shall issue an order directing said municipality to provide or assure access to an approved septage disposal facility not later than 180 calendar days following issuance of the order. Any

municipality to whom such an order is directed may appeal to the water supply and pollution council.

V-b. If any municipality fails to comply with an order under paragraph V-a, it shall be subject to an administrative fine pursuant to paragraph V. Each day of continuous violation shall constitute a separate offense. The division shall take the following steps:

(a) The division shall conduct an investigation of opportunities for joint action with other municipalities, the availability of private facilities, and possible facility sites within the municipality.

(b) The division shall report findings to the precinct and municipality, and seek local agreement to an acceptable solution to the septage problem.

(c) If no agreement is reached within 60 calendar days after the findings are delivered, the division shall schedule and hold a public hearing in the municipality. The hearing shall be held to solicit alternative septage disposal solutions for the municipality. Notice of the hearing shall be posted in 2 or more public places in the municipality for at least 14 calendar days before it is held, and shall be published in a newspaper of local circulation, at least twice, not less than 10 days prior to the hearing date.

(d) If no agreement is reached within 45 calendar days after the hearing, the division shall either order the municipality to participate in an existing or planned approved facility, or shall recommend that land within the municipality be taken by eminent domain for the establishment of an approved facility.

(e) Before land is taken by eminent domain, the division shall hold a public hearing in the municipality. Such hearing shall be noticed pursuant to the provisions of subparagraph (c).

(f) If the division determines that land shall be taken, the division shall institute eminent domain proceedings.

(g) The division shall be responsible for the facility's design and construction.

V-c. If land is taken for construction of a facility:

(a) The property shall be held in the name of the state and shall not be taxed.

(b) Upon completion, the facility shall be operated by the municipality in accordance with the facility plan.

(c) At the time of the taking, the division shall certify to the commissioner of revenue administration the costs of establishing the facility. The certification shall be revised when the facility is complete to reflect actual costs, including land, buildings, equipment, administration, planning, consultants, and any other necessary costs.

(d) The commissioner of revenue administration shall assess the costs on the municipality over a 20-year period. Each annual assessment shall include the interest on any debt incurred by the state for this purpose. The assessment shall be made as provided in RSA 21-J:9 and RSA 81.

(e) When all costs and interest are paid, the property shall be deeded to the municipality, or in the case of an unincorporated town or unorganized place, to the county.

Amend the bill by replacing section 17 with the following:

17 Appropriation. The sum of \$79,000 is hereby appropriated to the division of water supply and pollution control, department of environmental services, for the fiscal year ending June 30, 1991, for the purposes of this act. The governor shall draw his warrant for said sum out of the appropriate fund. Funds for this appropriation

shall be drawn from fees collected under RSA 485-A:4, XVI-a, and RSA 485-A:30, II.

Amend the bill by replacing all after section 18 with the following:

19 Section Heading Amended. Amend the section heading of RSA 485-A:22 to read as follows:

485-A:22 Penalties and Other Relief; *Failure to Provide Facility*.

20 Permits. Valid permits for septage haulers and septage and sludge facilities issued under RSA 149-M shall remain in effect until rules are adopted under RSA 485-A:6, XI. Such rules shall address the continued operation of existing facilities.

21 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 1430-FN-A, establishing a public access advisory board to develop access to public waters and establishing a public access development fund. REFER FOR INTERIM STUDY.

After a lengthy hearing, the Committee is convinced that serious problems have existed for some time concerning public access to the waters of New Hampshire. The major problems result from at least three state agencies controlling access without much of a coordinated policy.

The sponsors of HB 1430 propose that a single advisory board be created to oversee the administration of existing access and to recommend new access where needed. Previously, unallocated funds would be used for this purpose.

While this idea has considerable merit and may turn out to be the only solution, the Committee wants to study the issue further and explore the possibility of reasonable solution being developed within the existing structure of state government for a sound management program, which has been sadly lacking in the past. Vote 16-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

HB 1376-FN-A, relative to a public water rights report and advisory committee and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, addresses the complex issue of water rights. The Commissioner of the Department of Environmental Services with the Water Rights Advisory Committee shall report to the General Court by December 31, 1990. Their report shall address a number of questions relevant to the issue such as the original and current status of legislative enactments authorizing water use; as well as other questions arising from the report of the Recodification of Water Laws Committee and the Attorney General's opinion relative to Loon Mountain. The appropriation shall be used to provide specialized staff for the Commissioner and Committee in the area of water law and hydrology for the purpose of this project only. The Fiscal Note calls for state expenditures of \$40,000 in FY90. Vote 16-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. The citizens of New Hampshire hold, in common, rights in the public waters for purposes of navigation; fisheries maintenance; preservation of environmental integrity, habitat, and aesthetic quality; recreation; scientific study; and all other common public purposes, the contours of such rights being governed by the New Hampshire common law. The general court, as trustee of the public rights,

recognizes and affirms its duty to protect and administer these rights for the benefit of all citizens, present and future.

2 Intent; Report of the Commissioner.

I. To properly discharge its duty, the general court finds it desirable to establish a means to discern the extent and content of the public rights; to determine whether a present or proposed private use of a public water body impacts or may impact the public rights; and to establish under what conditions conveyance of some portion of the public rights would serve the public interest. To this end, the commissioner of the department of environmental services shall, by December 31, 1990, report to the general court. The report shall address the following:

(a) The original circumstances and current status of legislative enactments authorizing water use, including but not limited to the date, purpose, and extent of the original enactment, and the status of current use.

(b) Scientific or other methods that may be used to evaluate, characterize and, where appropriate, qualify the public rights in a given water body.

(c) Procedures and criteria that the general court itself or by delegation might follow to determine the public rights in a given water body; to determine when the public rights are being or may be impacted; and to evaluate the conditions under which conveyance of such rights from the public domain would be in the interest of present and future citizens of the state.

(d) An inventory of water users withdrawing more than 20,000 gallons per day during any week of the year from surface or groundwaters, including the amount of the withdrawal, purpose of the withdrawal, and claimed authority for the withdrawal.

(e) The extent to which groundwater appropriation or use may be impacting or may have the potential to impact the public rights in surface waters.

(f) Procedures for systemically evaluating the sustained yield of the major watersheds of the state.

II. In preparing this report, the commissioner shall consult with the public water rights advisory committee established in section 4 of this act.

3 Definitions. In this act:

I. "Advisory committee" means the public water rights advisory committee established in section 4 of this act.

II. "Commissioner" means the commissioner of the department of environmental services.

III. "Public waters" means great ponds, navigable waterways, and tidal waters of the state.

4 Advisory Committee.

I. There is established a public water rights advisory committee. The members in subparagraphs II(c)-(j) shall be appointed by the governor and executive council.

II. The advisory committee shall consist of:

(a) A representative selected by the president of the senate.

(b) A representative selected by the speaker of the house.

(c) A representative of public water suppliers, who shall be an officer or employee of a municipal or privately owned waterworks in the state.

(d) A representative of private water suppliers.

(e) A representative of the conservation community chosen from a list of 4 nominees submitted by the New Hampshire Association of Conservation Commissions, Society for Protection of New Hampshire Forests, Audubon Society, and New Hampshire Wildlife Federation.

(f) A representative of recreational interests chosen from a list of 3 nominees submitted by the New Hampshire Rivers Campaign and the Appalachian Mountain Club.

(g) A representative of electrical power producers.

(h) A representative of the Business and Industry Association.

(i) A representative of agriculture.

(j) A representative of the ski industry nominated by the New Hampshire Ski Area Operators Association.

(k) The director of the fish and game department or designee.

(l) The director of the office of state planning or designee.

(m) The commissioner of the department of resources and economic development or designee.

(n) A representative of municipal interests selected by the New Hampshire Municipal Association.

III. The advisory committee shall advise the commissioner in the preparation of the report required in section 2 of this act.

IV. The department of environmental services shall provide administrative and clerical assistance to the committee.

5 Appropriation; Department of Environmental Services. The sum of \$40,000 is appropriated to the department of environmental services for the fiscal year ending June 30, 1990, for purposes of preparing the report required by this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 1212-FN-A, relative to flagpoles on the state house plaza and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

After studying the merits of this historically significant bill, the problems of administration and the expenditure of funds in this year seemed insurmountable. The Committee regretfully voted inexpedient. Vote 11-0. Rep. Karen McRae for State Institutions and Housing.

HB 1263-FN, relative to the aeronautical fund. INEXPEDIENT TO LEGISLATE.

The intent of this bill was to distribute monies from the aeronautical fund. It was found to be unnecessary by the Department of Transportation, and as it was its original request it has asked the Committee to report the bill inexpedient. Vote 16-0. Rep. Richard L. Haynes for Transportation.

HB 1377-FN-A, to provide a business profits tax credit for businesses which provide transportation for their employees. INEXPEDIENT TO LEGISLATE.

The Committee recognizes the benefits of vanpools, but it does not believe that the incentives provided in this bill will result in the desired outcome. Additionally, it appears that the bill is open-ended and difficult to administer. Vote 16-0. Rep. Earle D. Hardy for Ways and Means.

REGULAR CALENDAR

HB 1294-FN, relative to payment for medical services in certain child support cases. INEXPEDIENT TO LEGISLATE.

The proposed legislation was supported by the sponsor with two others offering positive input with some reservations. This contrasted to overwhelming opposition including some Senators, Representatives, and various other persons testifying for

either themselves or groups they represent, such as crisis intervention agencies. Although the legislation defines a potentially serious situation, there was nothing offered to quantify the current magnitude of this problem. Additionally, there was clear testimony showing that the monies from marriage licenses which was proposed as a source of funding, are already designated for specific uses and changes in allocation would seriously impact proven programs now in operation. The Committee felt the lack of a quantified need placed this program at low priority. Vote 15-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Resolution adopted.

HB 1063, recalling famous American leaders. INEXPEDIENT TO LEGISLATE.

House Bill 1063 composes a speech and moment of recollection for American leaders assassinated while carrying out the duties of elected office which "may" be offered in conjunction with the inauguration ceremonies of elected state officials. The bill is permissive and not mandatory and the majority of the Committee feels that it is not necessary. Vote 9-1. Rep. Ralph E. Shackett for Constitutional and Statutory Revision.

Resolution adopted.

HB 1164-FN, relative to student health fees at the university system of New Hampshire. INEXPEDIENT TO LEGISLATE.

The Committee does not wish to assume the role of micro-managing the University System. It recognizes that the responsibility of establishing student fees for services provided by the system lies with the University System Board of Trustees. Through the student trustee, students have input in determining which services their fees will support. Vote 17-2. Rep. Nancy C. Beaton for Education.

Resolution adopted.

HB 1327-FN, relative to compulsory school attendance. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: There are two compelling reasons for passage of this bill. First, it is consistent with the dropout prevention bill regarding the age requirements and addresses attendance at private schools which was lacking from legislation passed in 1989. Second, it requires that a student who drops out of school at age 16 and does not possess educational competency attend some form of basic education class so he/she does not become a burden on society. Vote 12-8. Rep. Nils H. Larson for the Majority of Education.

MINORITY: The minority is not in disagreement with the majority regarding the noble intention of wanting to send a clear policy message to students that completing their high school education is important. However, the minority questions how this legislation can possibly be enforced (or even taken seriously), when there is no penalty for non-compliance, and finances for dropout prevention programs are virtually non-existent. There is also a question of whether all school districts even offer dropout prevention programs. Reps. Jacqueline M. Domaigne, Edmund M. Keefe, Nancy C. Beaton, Albert Caswell, Robert H. Guest, Robert M. Gilbreth, Herbert N. Foote and Gertrude B. Pearson for the Minority of Education.

Rep. Beaton moved that the report of the minority, Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass with Amendment, and spoke to her motion.

Reps. Carter, Larson and Bolduc spoke against the motion and yielded to questions.

Rep. Gilbreth spoke in favor of the motion.

Rep. Domaingue spoke in favor of the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 204**NAYS 131****YEAS 204****BELKNAP**

Campbell, Richard H., Jr.
Holbrook, Robert G.
Salatiello, Thomas

Golden, Paul A.
Locke, Matthew J.
Turner, Robert H.

Hardy, Earle D.
Pearson, Ralph W.
Ziegler, Alice S.

CARROLL

Allard, Nanci A.
Olimpio, J. Lisbeth

Chandler, Gene G.
Saunders, Howard N.

Daly, Robert J., Jr.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Cole, Kenneth A.
Doucette, Richard F.
Hunt, John B.
Metzger, Katherine H.
Spear, Susan

Barber, Robert E., Jr.
Crutchley, Donald O.
Eaton, Daniel Adams
LaMar, David M.
Pearson, Gertrude B.

Blacketor, Paul G.
Delano, Robert F.
Hill, Douglas E.
Matson, William R.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Woodburn, Jeffrey R.

Dumont, Robert E.
Merrill, Gerald

GRAFTON

Arnesen, Deborah L.
Brown, Channing T.
Densmore, Edward D.
Nordgren, Sharon
Shackett, Ralph E.

Bean, Pamela B.
Chambers, Mary P.
Guest, Robert H.
Rose, William B.
Wadsworth, Karen O.

Bennett, Shirley M.
Copenhaver, Marion L.
Hill, Richard L.
Scanlan, David M.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Bicknell, Robert C.
Bowers, Dorothy C.
Desrochers, Gerard T.
Donovan, Francis X.
Dube, Ellen C.
Emerton, Lawrence
Foote, Herbert N., Sr.
Goulet, Maurice E.
Johnson, Lionel W.
Kirk, Neal M.
Lawrence, Norman B.
Lozeau, DonnaLee
Messier, Irene M.
Murphy, Robert E.
Ouellette, Robert O.
Paquette, Rodolphe G.

Alukonis, David J.
Barry, Janet Gail
Biondi, Christine A.
Culbert, Patrick
Dodge, Emma M.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.
Frank, Nancy G.
Green, Scott E.
King, John A.
Lachut, Ervin R.
Lefebvre, Roland J.
McDowell, James E.
Moore, Elizabeth A.
Nardi, Theodora P.
Packard, Bonnie B.
Pepino, Leo P.

Andrews, Frederick B.
Barry, Vivian
Bourque, Ann J.
Daigle, Robert Arthur
Domaingue, Jacquelyn
Drolet, Paul L.
Dyer, Merton S.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Hunter, Bruce F.
Klose, John F.
Lawrence, Eva M.
Lown, Elizabeth
McNerney, Daniel P.
Morrissette, Roland
O'Rourke, JoAnne A.
Pappas, Toni
Pignatelli, Debora B.

Prestipino, Bartolo V.
Rheault, Lillian I.
Stiles, Walter A.
Upton, Barbara Allen
Wihby, Linda S.

Provost, Gilles R.
Riley, Frances L.
Toomey, Daniel
Vanderlosk, Stanley R.
Wright, George W.

Reidy, Frank J.
Smith, Leonard A.
Turgeon, Roland M.
Wheeler, David K.
Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy
Dunn, Miriam
Hayes, Robert C.
Shaw, Randall F.
Trombly, Rick A.

Barberia, Richard A.
Bennett, J. Allen
Fraser, Leo W., Jr.
Jacobson, Alf E.
Smith, Gerald R.
Wallner, Mary Jane

Bardsley, Elizabeth S.
Braiterman, Thea
Gilbreth, Robert M.
Johnson, C. William
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Eunice M.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Forsythe, Douglas G.
Greene, Elizabeth A.
Kane, Cecelia D.
Lovejoy, Virginia K.
McCarthy, John James, Jr.
Micklon, Stephanie K.
Raynowska, Bernard J.
Roulston, Donald L.
Vaughn, Charles L.
Welch, David A.

Bell, Juanita
Brown, Lewis W.
Campbell, Marilyn R.
Conroy, Janet M.
Felch, Charles H., Sr.
Gage, Beverly A.
Haynes, Richard L.
Katsakiores, George N.
MacKinnon, Nancy W.
McGovern, Cynthia A.
Pantelakos, Laura C.
Remick, Barbara R.
Schmidtchen, Rowland
Warburton, Calvin

Benton, Richardson D.
Buco, Stephen
Caswell, Albert, Jr.
Drake, Herbert R.
Fesh, Robert M.
Gourdeau, Raymond H.
Hollingworth, Beverly A.
Katsakiores, Phyllis
Magoon, Harold F.
McKinney, Betsy
Popov, Elizabeth M.
Rosencrantz, James R.
Seward, Russell G.
Weddle, Michael Rodney

STRAFFORD

Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra Balomenos
McCann, William H., Jr.
Scharff, Thomas Edward
Wheeler, Katherine Wells

Dionne, Albert J.
Frechette, Roland A.
Kinney, Paula J.
Merrill, Amanda
Swope, Warren L.
Young, John B.

Flynn, Anita A.
Gilmore, Gary
Marston, Robert E.
Pelley, Janet R.
Torr, Ralph W.

SULLIVAN

Burling, Peter Hoe
Peyron, Fredrik

Krueger, Richard H.

Middleton, John A.

NAYS 131 BELKNAP

Bolduc, Dennis R.
Rice, Thomas, Jr.
Vogler, Charles C.

Hawkins, Robert S.
Richardson, Lawrence

Randall, Kenneth A.
Rosen, Ralph J.

CARROLL

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Foster, Robert W.

MacDonald, Kenneth J.

CHESHIRE

Cole, Stacey W.
Laurent, John J.
Sawyer, Alfred P.

Foster, Katherine Davis
Morse, Jo-Ann T.

Grodin, Richard A.
Perry, David M.

COOS

Burns, Harold W.
Mayhew, Josephine

Horton, Lynn C.
Theriault, Romeo J.

Marsh, Beaton

GRAFTON

Adams, Carl S.
Driscoll, William J.
Townsend, Howard C.

Christy, C. Dana
Larson, Nils H., Jr.
Weymouth, Philip H.

Dow, David
Teschner, Douglass P.

HILLSBOROUGH

Amidon, Eleanor H.
Desrosiers, William J.
Ford, Nancy M.
Haettenschwiller, A. A.
Healy, Daniel J.
Jasper, Shawn N.
Kelley, Robert N.
McCann, Bonnie Lou
Record, Alice Barnard
Searles, Stanley N., Sr.

Cowenhoven, Garret P.
Dykstra, Leona
Gerow, Sezen M.
Hanselman, Gregory L.
Holden, Carol H.
Jean, Romeo W.
Knight, Alice Tirrell
McRae, Karen
Robinson, Ellen-Ann
Steiner, Lee Anne

Cox, Gladys M.
Elliott, Larry G.
Gureckis, Adam C., Sr.
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
Mason, Howard F.
Perham, Lester R.
Sallada, Roland A.
Tarpoley, Nancy L.

MERRIMACK

Apple, Lowell D.
Daneault, Gabriel
Hager, Elizabeth
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Teague, Bert

Boucher, Laurent J.
Fillion, Paul R.
Hall, Douglas E.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Whittemore, James A.

Carter, Susan D.
Gross, Caroline L.
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Stio, Peter M.

ROCKINGHAM

Boucher, William Paul
Flanders, Harry E.
Gage, Thomas U.
Johnson, Robert A.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Ritzo, Eugene
Simon, Peter M.
Splaine, John E., Sr.
Tufts, J. Arthur

Cooke, Annette M.
Flanders, John W., Sr.
Hoar, John, Jr.
King, Roger C.
MacDonald, Joseph A.
McCain, William F.
Senter, Marilyn P.
Skinner, Patricia M.
Stachowske, Vicki
Vartanian, Elsie

Cote, Patricia L.
Ford, Bert H.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Parr, Ednapearl F.
Sherburne, John L.
Sochalski, Matthew M.
Sytek, Donna
Wells, Henry E.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Martling, W. Kent
Spencer, Leo J.
Torr, Ann M.

Bernard, Mary E.
Foss, Patricia H.
O'Brien, John
Stewart, Glenn W.
Vincent, Francis C.

Bickford, Drucilla
Lachance, Douglas
Parks, Joe B.
Sullivan, Henry P.

SULLIVAN

Domini, Irene C.

Flint, Gordon B.

Hinrichsen, Keith

MacAskill, Kenneth M.

Rodeschin, Beverly T.

Schotanus, Merle W.

The substitute motion was adopted.

Resolution adopted.

HB 1236, relative to the fish and game commission. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: House Bill 1236 will adjust the terms of commissioners from five years to three years and states that no commissioner shall serve more than two consecutive terms, as is the case with 24 other state boards and commissions. Vote 14-3. Rep. Terence R. Pfaff for the Majority of Fish and Game.

MINORITY: The current term of commissioners is five years. The Executive Director of the Fish and Game Department indicates he gets along very well with the commissioners and would like to keep it the way it is. The minority feels this could be a loss of valuable experience and recommends Inexpedient to Legislate. Reps. Paula J. Kinney and Roland J. Lefebvre for the Minority of Fish and Game.

Rep. Kinney moved that the report of the minority, Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass, and spoke to her motion.

(Deputy Speaker Burns in the Chair)

Rep. Foss spoke in favor of the motion.

Rep. Pfaff spoke against the motion.

(Speaker in the Chair)

A roll call was called for. Sufficiently seconded.

YEAS 101**NAYS 234****YEAS 101****BELKNAP**

Golden, Paul A.

Holbrook, Robert G.

Pearson, Ralph W.

Rice, Thomas, Jr.

Rosen, Ralph J.

Ziegra, Alice S.

CARROLL

Dickinson, Howard C., Jr.

Dodge, Arthur G., Jr.

Olimpio, J. Lisbeth

Saunders, Howard N.

CHESHIRE

Delano, Robert F.

Eaton, Daniel Adams

Perry, David M.

Sawyer, Alfred P.

COOS

Brungot, Catherine V.

Kilbride, Dennis J.

Nelson, Harold D.

Oleson, Otto H.

Therault, Romeo J.

Woodburn, Jeffrey R.

GRAFTON

Copenhaver, Marion L.

Hill, Richard L.

LaMott, Paul I.

Shackett, Ralph E.

Townsend, Howard C.

Weymouth, Philip H.

HILLSBOROUGH

Amidon, Eleanor H.

Andrews, Frederick B.

Barry, Vivian

Bowers, Dorothy C.

Cox, Gladys M.

Daigle, Robert Arthur

Donovan, Francis X.

Drolet, Paul L.

Dyer, Merton S.

Elliott, Larry G.

Flood, Jacqueline J.

Frank, Nancy G.

Gagnon, Gabrielle V.
Haettenschwiller, A. A.
King, John A.
Leclerc, Charles J.
McNerney, Daniel P.
Moore, Elizabeth A.
Pignatelli, Debora B.
Riley, Frances L.
Vanderlosk, Stanley R.

Gerow, Sezen M.
Hultgren, David D.
Knight, Alice Tirrell
Lefebvre, Roland J.
McRae, Karen
Nardi, Theodora P.
Prestipino, Bartolo V.
Sallada, Roland A.
Wright, George W.

Goulet, Maurice E.
Kelley, Robert N.
Lachut, Ervin R.
McDowell, James E.
Messier, Irene M.
Perham, Lester R.
Provost, Gilles R.
Smith, Leonard A.

MERRIMACK

Barberia, Richard A.
Johnson, C. William

Gilbreth, Robert M.
Wallner, Mary Jane

Hager, Elizabeth
Whittemore, James A.

ROCKINGHAM

Campbell, Eunice M.
Forsythe, Douglas G.
Hoelzel, Kathleen M.
Katsakiores, George N.
Malcolm, Kenneth W.
Schmidtchen, Rowland
Welch, David A.

Cooke, Annette M.
Gage, Thomas U.
Hollingworth, Beverly A.
Katsakiores, Phyllis
Raynowska, Bernard J.
Senter, Marilyn P.

Dube, LeRoy S.
Hoar, John, Jr.
Johnson, Robert A.
MacDonald, Maurice B.
Rosencrantz, James R.
Tufts, J. Arthur

STRAFFORD

Appleby, James E.
Dionne, Albert J.
Young, John B.

Bickford, Drucilla
Foss, Patricia H.

Brown, Julie M.
Kinney, Paula J.

SULLIVAN

Domini, Irene C.
MacAskill, Kenneth M.

Flint, Gordon B.
Schotanus, Merle W.

Krueger, Richard H.

NAYS 234

BELKNAP

Campbell, Richard H., Jr.
Locke, Matthew J.
Salatiello, Thomas

Hardy, Earle D.
Randall, Kenneth A.
Turner, Robert H.

Hawkins, Robert S.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.

Daly, Robert J., Jr.
Powers, Gerard E., Jr.

Foster, Robert W.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
LaMar, David M.
Metzger, Katherine H.
Pratt, Irene A.

Blacketor, Paul G.
Doucette, Richard F.
Hill, Douglas E.
Laurent, John J.
Morse, Jo-Ann T.
Spear, Susan

Cole, Stacey W.
Foster, Katherine Davis
Hunt, John B.
Matson, William R.
Pearson, Gertrude B.

COOS

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton

Burns, Harold W.
Horton, Lynn C.
Mayhew, Josephine

Dumont, Robert E.
Lemire, George
Merrill, Gerald

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Christy, C. Dana
 Guest, Robert H.
 Rose, William B.
 Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
 Brown, Channing T.
 Densmore, Edward D.
 Larson, Nils H., Jr.
 Scanlan, David M.

Bean, Pamela B.
 Chambers, Mary P.
 Driscoll, William J.
 Nordgren, Sharon
 Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet Gail
 Bourque, Ann J.
 Desrochers, Gerard T.
 Domaingue, Jacquelyn
 Dwyer, Patricia R.
 Fields, Dennis H.
 Green, Scott E.
 Harlan, Susan N.
 Hunter, Bruce F.
 Jenkins, Mary
 Kurk, Neal M.
 Lown, Elizabeth
 McCann, Bonnie Lou
 O'Rourke, JoAnne A.
 Pappas, Toni
 Record, Alice Barnard
 Robinson, Ellen-Ann
 Stiles, Walter A.
 Turgeon, Roland M.
 Wihby, Linda S.

Alukonis, David J.
 Bicknell, Robert C.
 Cowenhoven, Garret P.
 Desrosiers, William J.
 Drabinowicz, A. Theresa
 Dykstra, Leona
 Foote, Herbert N., Sr.
 Gureckis, Adam C., Sr.
 Healy, Daniel J.
 Jasper, Shawn N.
 Johnson, Lionel W.
 Lawrence, Eva M.
 Lozeau, Donnalee
 Morrisette, Roland
 Ouellette, Robert O.
 Paquette, Rodolphe G.
 Reidy, Frank J.
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Upton, Barbara Allen
 Young, Willard N.

Baldizar, Barbara J.
 Biondi, Christine A.
 Culbert, Patrick
 Dodge, Emma M.
 Dube, Ellen C.
 Emerton, Lawrence
 Ford, Nancy M.
 Hanselman, Gregory L.
 Holden, Carol H.
 Jean, Romeo W.
 Klose, John F.
 Lawrence, Norman B.
 Mason, Howard F.
 Murphy, Robert E.
 Packard, Bonnie B.
 Pepino, Leo P.
 Rheault, Lillian I.
 Steiner, Lee Anne
 Toomey, Daniel
 Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy
 Braiterman, Thea
 Dunn, Miriam
 Gross, Caroline L.
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Phelps, James D.
 Soldati, Jennifer
 Trombly, Rick A.

Apple, Lowell D.
 Bennett, J. Allen
 Carter, Susan D.
 Fillion, Paul R.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Nichols, Avis B.
 Shaw, Randall F.
 Stio, Peter M.

Bardsley, Elizabeth S.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Pfaff, Terence R.
 Smith, Gerald R.
 Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William Paul
 Buco, Stephen
 Chase, Lawrence A., Jr.
 Drake, Herbert R.
 Flanders, Harry E.

Bell, Juanita
 Brown, Jeffrey M.
 Campbell, Marilyn R.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.

Benton, Richardson D.
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Ford, Bert H.

| | | |
|-------------------------|---------------------------|------------------------|
| Gage, Beverly A. | Gourdeau, Raymond H. | Greene, Elizabeth A. |
| Haynes, Richard L. | Kane, Cecelia D. | King, Roger C. |
| Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr. | Lovejoy, Virginia K. |
| MacDonald, Joseph A. | MacKinnon, Nancy W. | Magoon, Harold F. |
| McCain, William F. | McCarthy, John James, Jr. | McGovern, Cynthia A. |
| McKinney, Betsy | Micklon, Stephanie K. | Pantelakos, Laura C. |
| Parr, Ednapearl F. | Parsons, Robert F. | Popov, Elizabeth M. |
| Remick, Barbara R. | Ritzo, Eugene | Roulston, Donald L. |
| Seward, Russell G. | Sherburne, John L. | Simon, Peter M. |
| Skinner, Patricia M. | Sochalski, Matthew M. | Splaine, John E., Sr. |
| Stachowske, Vicki | Sytek, Donna | Vartanian, Elsie |
| Vaughn, Charles L. | Warburton, Calvin | Weddle, Michael Rodney |
| Wells, Henry E. | | |

STRAFFORD

| | | |
|-------------------------|-------------------------|--------------------------|
| Bernard, Mary E. | Burton, Wayne M. | Flynn, Anita A. |
| Flynn, Edward J. | Frechette, Roland A. | Gilmore, Gary |
| Keans, Sandra Balomenos | Lachance, Douglas | Marston, Robert E. |
| Martling, W. Kent | McCann, William H., Jr. | Merrill, Amanda |
| O'Brien, John | Parks, Joe B. | Pelley, Janet R. |
| Scharff, Thomas Edward | Spencer, Leo J. | Stewart, Glenn W. |
| Sullivan, Henry P. | Swope, Warren L. | Torr, Ann M. |
| Torr, Ralph W. | Vincent, Francis C. | Wheeler, Katherine Wells |

SULLIVAN

| | | |
|--------------------|-----------------------|--------------------|
| Burling, Peter Hoe | Hinrichsen, Keith | Middleton, John A. |
| Peyron, Fredrik | Rodeschin, Beverly T. | |

The substitute motion lost.

Ordered to third reading.

HB 1080-FN-A. making a supplemental appropriation for the board of tax and land appeals. **OUGHT TO PASS.**

House Bill 1080 requests \$26,723 additional appropriation for the remainder of the biennium for the Board of Tax and Land Appeals. This Board had a caseload of more than 1600 appeals in 1989, up from some 600 in 1988. The Board turned in \$36,000 in income to the Treasurer, \$24,000 above the Board estimate. The extra appeal load makes this appropriation necessary. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

Adopted.

Referred to Appropriations.

HB 1302-FN-A. allocating funds to the office of state planning to further develop a statewide geographic information system and making an appropriation therefor. **IN-EXPEDIENT TO LEGISLATE.**

Reporting HB 1302 inexpedient was a very difficult decision. All of the testimony was in favor of the concept and implementation of the State Geographic Information System (GIS), and in favor of this excellent program of support to municipal planning. Nevertheless, the Director of the Office of State Planning testified that in view of our state's fiscal condition, he could not support the \$173,000 appropriation. The regional planning commissions offered an amendment to reduce the amount of appropriation to \$128,700. The amendment was accepted but, after much consideration,

the bill was finally recommended Inexpedient to Legislate by a vote of 11 to 5. Failure to appropriate will delay implementation of the GIS system by a year. It is the Committee's earnest and unanimous hope that funds can be made available next year for this most worthy program. Rep. Richard A. Grodin for Municipal and County Government.

Resolution adopted.

HB 1186-FN-A, increasing the appropriation to the highway inventory fund. INEXPEDIENT TO LEGISLATE.

The bill increases the allowed inventory of the Department of Transportation spare parts to \$1,625,000 from \$1,000,000. The Committee felt that it would not be prudent to spend \$625,000 at this time. Vote 7-5. Rep. Roland A. Frechette for Public Works.

Resolution adopted.

HB 1158-FN, relative to protecting the United States flag from desecration when it is properly displayed on public or private property. OUGHT TO PASS WITH AMENDMENT.

A United States Supreme Court decision in 1989 overturned the conviction of one Gregory Johnson, for burning the flag of the United States; this same decision rendered unconstitutional New Hampshire statute RSA 646 "Offenses Against the Flag."

House Bill 1158, as amended (to become effective on passage) creates a new statute, RSA 646-A, which gives protection to the flag of the United States, when properly displayed by a private citizen, or a group of citizens, or is displayed in a public place, from being burned, defaced, mutilated, trampled or destroyed.

The bill permits destruction of a worn, torn, frayed flag, in a dignified manner, by the owner of the flag.

The Executive Director of the New Hampshire Civil Liberties Union, testified in support of, and commented favorably on, the constitutionality of the bill. Vote 12-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

Amendment

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Welch yielded to questions.

Ordered to third reading.

HB 1320-FN, relative to watercraft sewage pump-out facilities at marinas. OUGHT TO PASS WITH AMENDMENT.

The bill is one item resulting from the Study Committee on the Closure of Shellfish Flats in the Seacoast Area (1989). The amendment gives the Port Authority jurisdiction in the tidal and coastal waters to ensure that marinas have portable pump-out facilities.

It is the intent of the Committee to ask for recommittal and have this bill returned to the Committee for additional input and study until February. The amendment clarifies "marina" and removes the need for a fiscal note. This procedure ensures that it comply with House Rules relative to fiscal matters. Vote 12-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 New Section; Portable Sewage Facilities Required. Amend RSA 271-A by inserting after section 10 the following new section:

271-A:10-a Portable Pump-out Sewage Facilities. By June 1, 1991, all marinas serving coastal waters in the state shall be equipped with portable pump-out sewage facilities. For purposes of this paragraph "marina" means a facility which holds 20 or more recreational vessels which exceed 24 feet in length. The director of the port authority may adopt rules under RSA 541-A relative to ensuring that pumping out of the holding tanks of all boats at the marina takes place on a weekly basis May 1 through October 31.

2 Rulemaking. Amend RSA 271-A:4 by inserting after paragraph IV the following new paragraph:

V. Portable pump-out sewage facilities pursuant to RSA 271-A:10-a.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Dickinson moved that HB 1320 be recommitted to the Committee on Resources, Recreation and Development.

Motion adopted.

HB 1391-FN, relative to registration decals for docks, floats and swim rafts. **INEXPEDIENT TO LEGISLATE.**

This bill highlights all too clearly the inadequacy of funding resource management programs through "user fees." In fact, "user fees" have been so expanded to fund agency activities that the "user" public is in a state of rebellion.

The Committee was informed that many towns assess a property tax on docks. Thus, a state "fee" on those same docks would result in double taxation to the landowners. The testimony indicated that the new fees would be extremely burdensome to landowners and marinas, and could force some landowners off their land or have a potentially adverse impact on tourism.

It appears that no new services would be provided as a result of the fees, while enforcement of the new fee system was unlikely. Since there did not seem to be strong reasons to "register" docks, the fees would be purely a means to create additional revenue for the state.

The concept of "user fees" has its limits. The Committee agreed that owners of docks, floats and swim rafts were not the only users of our lakes, and a fee system that places the financial burden so disproportionately on their shoulders would be poor public policy.

The Committee strongly recommends that the Legislature renew its commitment to fund in a responsible manner its natural resource management, conservation and protection programs, particularly in the area of enforcement of existing regulations. Vote 12-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Resolution adopted.

HB 1023-FN, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. **INEXPEDIENT TO LEGISLATE.**

The Fiscal Note indicated a loss to the state of \$2,627,000 in FY 1991, \$2,758,000 in FY 1992 and \$2,896,000 in FY 1993. The Committee felt that New Hampshire

could not afford these losses. Vote 13-3. Rep. Frederick G. Ahrens for Ways and Means.

Resolution adopted.

HB 1044, relative to fees of notaries public. OUGHT TO PASS WITH AMENDMENT.

This bill provides that justices of the peace may charge fees up to \$5 for certifying oaths, up to \$50 for taking depositions, and 20-cents per mile for swearing in witnesses or taking depositions. The bill also provides that notaries may charge up to \$5 for their services. Vote 10-0. Rep. LeRoy S. Dube for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fees of justices of the peace and notaries public.

Amend the bill by replacing all after the enacting clause with the following:

1 Justice of the Peace; Fees; Taking Oaths. Amend RSA 501-A:1 to read as follows:

501-A:1 Fees for Justices of the Peace *for Administering Oaths*. For administering and certifying oaths, except the oaths of office of town officers, a justice of the peace shall [receive \$1] *be entitled to a fee of up to \$5 for each oath*.

2 Justice of the Peace Fees; Depositions. RSA 517:19 is repealed and reenacted to read as follows:

517:19 Fees for Justices of the Peace for Taking Depositions.

I. Justices of the peace shall be entitled to a fee of at least \$5 but no more than \$50 in the taking of depositions, dependent upon that amount which the justice of the peace feels is sufficient payment for his services.

II. In addition to the fee as provided in paragraph I, a justice of the peace is entitled to \$.20 per mile as mileage to swear witnesses.

3 Notarial Fees. RSA 455:11 is repealed and reenacted to read as follows:

455:11 Notarial Fees. Notaries public shall be entitled to a fee of up to \$5 for each oath, witness, service or certification with the following exceptions:

I. For services related to the taking of depositions, the notary public shall be entitled to the same fees as justices are entitled to receive pursuant to RSA 517:19.

II. No fees shall be allowed for administering and certifying oaths of office of town officers.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that justices of the peace may charge fees of up to \$5 for administering and certifying oaths, and from at least \$5 but no more than \$50 in the taking of depositions. In addition, a justice of the peace is entitled to \$.20 per mile as mileage to swear witnesses in the taking of depositions.

The bill also provides that notaries public may charge fees up to \$5 for their services, with certain exceptions.

Amendment adopted.

Ordered to third reading.

HB 1043-A, relative to the Hampton district court and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The needs of the Hampton District Court are for personnel and not capital expenditures. The sponsor agreed to pursue that goal with the Appropriations Committee in the supplemental budget. Vote 14-0. Rep. Fredrik Peyron for Public Works.

Rep. Felch spoke and yielded to questions.

Rep. Phelps spoke in favor of the committee report.

Resolution adopted.

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 25 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1033, relative to fishing in the Connecticut River.

HB 1040-FN, relative to civil and criminal penalties in the safe drinking water act.

HB 1044, relative to fees of justices of the peace and notaries public.

HB 1075, relative to location of court hearings in abuse or neglect cases.

HB 1149-FN, relative to expending national forest reserve funds in unincorporated towns and unorganized places.

HB 1158-FN, relative to protecting the United States flag from desecration when it is properly displayed on public or private property.

HB 1230-FN, allowing Hart's Location to establish a school district.

HB 1236, relative to the fish and game commission.

HB 1354-FN, relative to boat registrations.

HB 1359-FN, relative to regional vocational education.

UNANIMOUS CONSENT

Rep. Kidder addressed the House.

Thank you, Mr. Speaker. Members of the House, it has been the policy of the Appropriations Committee to share with members of the House where it stands fiscally at the beginning of each session.

You have heard from the Governor and the Ways and Means Committee that we are facing a very serious revenue shortfall. They are both right.

As you know, the last biennium ended June 30, 1989. The final accounting procedures indicated that we ended up with an audited surplus of \$5,612,131. This was fine and if our revenue for this present biennium had held up, we would have been in a sound fiscal position today.

Unfortunately, the booming economy has slowed down and revenues on which we depend to balance the budget have been seriously affected.

Major revenue producers such as the Business Profits Tax, Rooms and Meals Tax, Real Estate Transfer Tax, Interest and Dividends Tax, Estate and Legacy Tax, insurance—they are all showing revenues behind estimates projected for this period. This discrepancy leaves us with an estimated shortfall of about \$72,000,000 for fiscal year 1990 which ends on June 30. On top of that, there are other unforeseen needs

which have to be met, which we call the supplemental budget. They are approximately \$8,000,000. Thus, we arrive at a shortfall of about \$80,000,000.

It has been determined by the leadership of the House and Senate that the 18-month period ending June 30, 1991, which is the end of the biennium, should be addressed now rather than in the fiscal year 1990 budget as recommended by Governor Gregg.

In order to do this, department heads have been requested to come before the Appropriations Committee with their further reductions for fiscal year 1990. Although no definite set of figures has been determined at this time, it is certain that we will end up with a deficit of approximately \$42 million even if we accept the Governor's and leadership's recommendations.

We have no choice but to face the hard fact that major cuts have to be made and that revenue adjustments have to be considered if we are to end the biennium with a balanced budget. The cuts we recommend will be ones which our committee feels are appropriate.

In talking with the State Treasurer, Georgie Thomas, this morning, she indicated that the cash flow has been so reduced to the extent, that for the first time in six years, we will be borrowing by issuing revenue anticipation notes to pay current bills.

Although the stabilization account (rainy day fund) may not be invaded without further legislative action, it seems only fiscally responsible that we take such action as required at this time and use those sums necessary to help balance the budgets of 1990 and 1991. This would still leave us with a substantial deficit that must be addressed in order that the budget be balanced.

Some wag once said, "It's easy to balance a budget, if you ain't got it, you don't spend it."

How little some people realize that as representatives of all the people of our state and especially as members of the Appropriations Committee, we do have promises to keep; we do have hands to hold and we do have backs to stiffen. We do have heads to help turn in the right direction—we hope in the days and weeks ahead you will know that we share your concerns and we ask for your understanding and cooperation. Thank you, Mr. Speaker.

Rep. Gross addressed the House.

Mr. Speaker and members of the House, in expanding upon Chairman Kidder's remarks, it is tempting to begin by comparing the financial problems in New Hampshire with the financial problems in Massachusetts.

It is tempting, but I'm not going to do it. For the fact is that regardless of which party is in charge, state governments all up and down the East Coast are having severe financial difficulties. So when one speaks of budget problems in New Hampshire or budget problems in Massachusetts, one must speak of similar and very real problems in states like Vermont, Connecticut, New Jersey and Maryland. The fact is that we are part of a regional economic downturn. It is nonetheless up to us to find a New Hampshire solution to New Hampshire's part of that regional downturn.

This New Hampshire solution will not be a sales tax; it will not be an income tax. Nor, because you don't hit a man when he's down, will this New Hampshire solution place significant new tax burdens on the business community. And while there are bills still in Ways and Means that can be used to increase revenues to some extent, it is the New Hampshire way to look at the spending side first.

As always, the hard work begins right here in the New Hampshire House. While many budget decisions have yet to be made, it is already clear that House budget cuts:

- (1) will not reduce the dollars we send back to cities and towns;
- (2) will not break our contract with state employees with regard to negotiated salaries and benefits; and
- (3) will not cut direct services to citizens when there is any other alternative.

To exempt these areas makes cutting the remainder of the budget a lot harder, but in working our way towards a New Hampshire solution, we have some big advantages on our side.

First, contrary to what you may have heard before today, we start with healthy budget surplus from the last biennium. To be sure, one year ago we were facing a potential deficit of \$30 million. But we turned that \$30 million deficit into a \$5.6 million surplus. We did it then and we can do it now!

Our second big advantage is the rainy day fund. During the good years, we made regular deposits into that fund. Because we've never made a withdrawal—even when we were tempted—the full \$28 million in that rainy day fund is now available. Thank God we had the foresight to create that rainy day fund in the first place.

Our third big advantage is the quality of our leadership. Although we could not get a real feel for the size of our revenue shortfall until the December figures were in, our leaders knew the news would not be good news, and they took prompt and decisive action.

Way back in the fall of 1989, Governor Gregg issued an executive order freezing spending for equipment, travel and personnel. Every dollar he saved then is a dollar we do not need to cut now.

Last November, the Speaker directed the Appropriations Committee to meet with executive branch agencies and discuss specific cuts in their budgets. The homework they did then makes the process more rational now.

I have not before seen such open budget discussions between the House and the Senate leadership prior to a committee of conference. We do not yet have agreement on the details, but we have agreement on the process. And the Speaker of the House and the President of the Senate have personally met with the major department heads and have told them what this process is going to be.

It is a fact of life that Governors take the credit in the good times, and they take the heat when things go wrong. So we speak of Governor Sununu's rainy day fund and of Governor Gregg's \$5.6 million surplus.

But the truth that you and I know is that behind every Governor there is a legislature. The buck may stop in the Governor's office, but the buck starts right here!

Sometime on Friday, the Appropriations Committee will report out House Bill 1500, the supplemental budget bill. This year I am not part of the deliberations; like you, I will find House Bill 1500 in my seat pocket next Tuesday.

Like you, I will have questions; like you, I expect to find things in House Bill 1500 that I do not like.

But I can tell you right now that when House Bill 1500 comes to the floor a week from Thursday, I will ask your full support for the Appropriations Committee report.

Partly this will be because I know the people and I know the process. But I also know, that in this race, ladies and gentlemen, in this race we are running not against each other, we are running against time.

The longer we wait, the more drastic the cuts must be. On that basis alone, it is imperative that we send House Bill 1500 to the Senate as soon as possible.

With all the emphasis on our fiscal problems, let us not forget that we are in session for other important business as well. Our policy committees have serious workloads

this year; the House Labor Committee, for example, had to work on a Saturday to do it, but it is are bringing us a complete re-write of the workers' compensation laws with a unanimous committee vote.

Tomorrow, the Judiciary Committee will spend a difficult day listening to both sides of the abortion issue. In each of our committees, there are important things that are not easy to resolve.

There is a time and there is a place for everything. We are here and we are here now because the people's business is not yet done. The decisions we have yet to make will affect the lives of more than a million people; can we give them any less than our full attention and our best efforts?

Certainly the task before us is a hard one; but if we pull together it is not impossible. Along the way, there will be times when we disagree. There always are. But as the pressures continue to build, let us remember to be careful of one another; let us not forget that each one of us was sent here to do a job and that each one of us is entitled to courtesy and to respect in the performance of that job.

We began this day with the recollections of a great American—Thomas Jefferson—who also happened to be a Democrat. Let us end the day remembering these words from another great American who happened to be a Republican:

“With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in...”

Thank you.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 4:15 p.m.

HOUSE JOURNAL No. 6

Thursday, January 25, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend Dwight Haynes, Contoocook United Methodist Church, Guest of Rep. Mary Ann Lewis.

Let's consider not only who we are, but also whose we are.

O Gracious and Eternal God, creator and sustainer of us all. You have richly blessed our State of New Hampshire with a good heritage, scenic beauty, and an abundance of resources—natural, human, and financial resources. Our New Hampshire per capita income is now fifth highest in the nation; and everyone to whom much is given, much is required.

As our Session moves along and we get into matters of budget, we feel anew the tension between being frugal and being caring, guardians not only of the common purse, but also of the common good. Grant that we should do for others as we would want them to do for us.

Bless all who work for the different departments of our state; and help us as Legislators to see our work here as ministry, as serving the people of this state. Grant us wisdom and strength; help us to speak the truth in love.

Help us to be guided not by special interests, but by a vision of the common good, working together for those things that are constructive and worthwhile, seeking always to do justice, to show mercy, and to walk humbly before You, Our God. Amen.

Rep. Morse led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Phyllis Raynowska and Lida Beaudoin, Christine Willis and Valinda Willis, wife, daughter and guests of Rep. Raynowska.

LEAVES OF ABSENCE

Reps. Biondi, David Cote, Patricia Cote, Paul Dionne, Grip, Hynes, Kincaid, Klemm, Kress, Kuchinski, Palazzo, Sanderson, Simon, Soucy, Rosencrantz and Wall, the day illness.

Reps. Ballou, Bicknell, Lionel Boucher, Callaghan, Guest, Hardy, Mace, Markley, Remick, Rodgers, Stamatakis, Tsiros and West, the day, important business.

Rep. Burkush, the day, death in the family.

SENATE MESSAGE

REQUESTS CONCURRENCE

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations.

SB 372-FN, relative to suspension or revocation of the motor vehicle license or privilege to drive.

SB 374-FN, establishing a study committee to examine probate court reporting requirements.

SB 396-FN, relative to drivers' license suspensions for drug offenses.

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents.

SB 401-FN, relative to fines imposed for DWI.

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share.

SB 409-FN, relative to school attendance as a condition of issuance of drivers' licenses to minors.

SJR 1, naming the Kenneth M. Tarr Health Care Facilities.

SB 321, relative to group health insurance.

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex.

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor.

SB 350-A, relative to an office building design and making an appropriation therefor.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters.

SB 388, relative to ski patrol personnel qualifications and licensing.

SB 392-FN, relative to the Spaulding Turnpike.

SB 398, relative to the east-west highway study.

SB 306, extending the reporting date for the committee to study corporal punishment and the licensing and regulation of private kindergartens and nursery schools in the state.

SB 319, relative to a uniform principal and income act.

SB 320, relative to court-ordered commitments.

SB 327-FN, relative to a state-sponsored credit card program.

SB 335-FN, relative to the department of libraries, arts, and historical resources.

SB 339-FN, relative to licensure of mobile barbershops.

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority.

SB 354-FN, relative to temporary emergency motor vehicle registration.

SB 359-FN, relative to modifying planning board procedures on plats.

SB 362-FN, relative to reporting requirements for political committees.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 306, 319, 320, 321, 323, 324, 327, 335, 339, 345, 350, 354, 359, 362, 363, 371, 372, 374, 388, 392, 396, 397, 398, 401, 406, 409, and **SJR 1** shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations. (Executive Departments and Administration)

SB 372-FN, relative to suspension or revocation of the motor vehicle license or privilege to drive. (Transportation)

SB 374-FN, establishing a study committee to examine probate court reporting requirements. (Judiciary)

SB 396-FN, relative to drivers' license suspensions for drug offenses. (Judiciary)

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents. (Judiciary)

SB 401-FN, relative to fines imposed for DWI. (Judiciary)

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share. (Executive Departments and Administration)

SB 409-FN, relative to school attendance as a condition of issuance of drivers' licenses to minors. (Education)

SJR 1, naming the Kenneth M. Tarr Health Care Facilities. (Public Works)

SB 321, relative to group health insurance. (Commerce, Small Business and Consumer Affairs)

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex. (Public Works)

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor. (Public Works)

SB 350-A, relative to an office building design and making an appropriation therefor. (Public Works)

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters. (Commerce, Small Business and Consumer affairs)

SB 388, relative to ski patrol personnel qualifications and licensing. (Executive Departments and Administration)

SB 392-FN, relative to the Spaulding Turnpike. (Public Works)

SB 398, relative to the east-west highway study. (Public Works)

SB 306, extending the reporting date for the committee to study corporal punishment and the licensing and regulation of private kindergartens and nursery schools in the state. (Education)

SB 319, relative to a uniform principal and income act. (Judiciary)

SB 320-FN, relative to court-ordered commitments. (Judiciary)

SB 327-FN, relative to a state-sponsored credit card program. (Commerce, Small Business and Consumer Affairs)

SB 335-FN, relative to the department of libraries, arts, and historical resources. (State Institutions and Housing)

SB 339-FN, relative to licensure of mobile barbershops. (Commerce, Small Business and Consumer Affairs)

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority. (Education)

SB 354-FN, relative to temporary emergency motor vehicle registration. (Transportation)

SB 359-FN, relative to modifying planning board procedures on plats. (Municipal and County Government)

SB 362, relative to reporting requirements for political committees. (Constitutional and Statutory Revision)

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1024, making an appropriation to hire a consultant to evaluate the foundation aid formula, was removed at the request of Rep. Skinner.

HB 1061, relative to old age assistance and aid to the permanently and totally disabled, was removed at the request of Rep. Gross.

HB 1203, to tax all tobacco products, was removed at the request of Rep. Sytek.

HB 1334, relative to telephone utilities service territories, was removed at the request of Rep. Rodeschin.

HB 1225, relative to retirement benefits for certain legislative and constitutional officers and making an appropriation therefor, was removed at the request of Rep. Reidy.

HB 1383, relative to drug and alcohol education and rehabilitation, was removed at the request of Rep. Kurk.

Adopted.

HB 1433-FN, relative to custodial interference. INEXPEDIENT TO LEGISLATE.

The legislation proposed is quite lengthy and has several inconsistencies in its approach. There was no statistical information provided as to the frequency of occurrence and, therefore, a definite need for the legislation could not be established. Additionally, the proposed law would impact the divorce laws and other statutes requiring extensive time and research not available under deadlines now in place for the Legislature. Vote 17-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 1013, reviving the charter of the New Hampshire Karting Association. OUGHT TO PASS.

The Committee feels that the charter for this corporation should be reinstated in order to be in compliance with the law. Vote 10-0. Rep. Ellen C. Dube for Constitutional and Statutory Revision.

HB 1204-FN, reinstating the corporate charter of the Waltham Screw Co., Inc. OUGHT TO PASS.

This bill reinstates the charter of the Waltham Screw Co., Inc. upon payment of any fees in arrears plus a reinstatement fee and the filing of annual returns. Vote 10-0. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

HB 1275-FN-A, requiring a uniform condensed version of department of education information on handicapped children and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The New Hampshire Department of Education has a condensed version of education information on handicapped children ready to send to school districts for distribution to parents of handicapped children. Vote 18-0. Rep. Gertrude B. Pearson for Education.

HB 1286, relative to special education. OUGHT TO PASS WITH AMENDMENT.

This bill permits the Commissioner of Education to appoint a surrogate parent to oversee the educational needs of a child when the parent is unknown or unavailable or when the child is a ward of the state. The bill also sets deadlines for initiating and completing appeals in special education cases. Vote 19-0. Rep. John J. Laurent for Education.

Amendment

Amend the introductory paragraph of RSA 186-C:16-a, II as inserted by section 4 of the bill by replacing it with the following:

II. Any final decision of the department of education hearing officer rendered in a hearing held in accordance with rules adopted under RSA 186-C:16, IV shall be implemented by the school district as the status quo placement within 30 days, unless:

Amend RSA 186-C:16-a, II(b) as inserted by section 4 of the bill by replacing it with the following:

(b) Either party files a timely appeal to a court of competent jurisdiction within 30 days of the final decision; or

Amend RSA 186-C:16-a, III as inserted by section 4 of the bill by replacing it with the following:

III. Any party aggrieved by a final decision of the department of education hearing officer in a hearing held in accordance with rules adopted under RSA 186-C:16, IV may appeal that decision to a court of competent jurisdiction within 30 days of the date of such officer's final decision, or be barred from any such appeal.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

HB 1059, relative to the application process for solid waste facilities. INEXPEDIENT TO LEGISLATE.

The Committee strongly endorses the notification intent of this bill. It seems, however, that this requirement can best be handled through the rulemaking procedure. Current law provides for notice through publication in newspapers and by certified mail to abutters. Vote 15-1. Rep. Rick A. Trombly for Environment and Agriculture.

HB 1115, permitting for-profit composting operations on current use lands. INEXPEDIENT TO LEGISLATE.

Testimony revealed that these activities can be allowed through rules of the Current Use Advisory Board and should be handled this way. Vote 15-0. Rep. A. Gibb Dodge Environment and Agriculture.

HB 1126-FN, authorizing public notification of environmental violations. INEXPEDIENT TO LEGISLATE.

The Committee finds this bill selective in requiring only certain violators to post notice and therefore is unworkable. Notice may also preempt "rights of due process" as well as violate the fifth amendment relative to self-incrimination. Vote 15-1. Rep. Douglas E. Hill for Environment and Agriculture.

HB 1129-FN-A, authorizing the department of environmental services to clean up the Gilson Road hazardous waste site and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill is to remove accumulated building debris on state-owned property next to the Gilson Road hazardous waste site. The amendment removes incorrect references to hazardous waste and replaces it with a correct reference to solid waste; the fund for clean-up will be lapsing; the Department of Public Works will do the clean-up and not the Department of Environmental Services, and reference is made specifically to the matter to be removed — building debris. Vote 15-0. Rep. Rick A. Trombly for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of transportation to
clean up the Gilson Road waste site and
making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$100,000 is hereby appropriated for the biennium ending June 30, 1991, and the authority hereby granted, to the department of transportation for the purpose of cleaning up the demolition debris and other solid waste adjacent to the Gilson Road waste site. These funds are in addition to any other funds appropriated to the department of transportation. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation to the department of transportation for the purposes of cleaning up the Gilson Road waste site.

Referred to Appropriations.

HB 1270-FN, relative to the enforcement of the hazardous waste laws. OUGHT TO PASS.

This bill gives authority to the Department of Safety police employees to enforce the Hazardous Waste Laws. The current law gives this authority to state police only. This was done because, at the time of the enactment of these laws, the safety enforcement addressed in this bill did not exist. This bill will save time for enforcement authorities and will be enforced by qualified, certified, police employees of the Department of Safety. Vote 18-0. Rep. Rick A. Trombly for Environment and Agriculture.

HB 1358-FN, requiring certain buildings to be designed and constructed to accommodate recycling. INEXPEDIENT TO LEGISLATE.

The Committee agrees that the problem of adapting architecture so that it can include the concept of recycling is a fine idea. However, the Committee also agrees that presently it needs to be worked on, and encourages the sponsors to bring in the legislation in 1991. Vote 14-1. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 1428-FN, relative to recycling and disposal of vehicle batteries. INEXPEDIENT TO LEGISLATE.

The Committee recognizes that batteries should not be disposed of in incinerators or landfills, and feels the bill, HB 332, passed in 1989 will take care of recycling batteries on a local level, along with tires and waste oil. Vote 17-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 1071-FN, relative to the salaries of direct care employees at certain state institutions. REFER FOR INTERIM STUDY.

Other bills, similar to HB 1071, have come before this Committee, raising the same questions. First, what will be the outcome of HB 250, relative to classified employees? This bill, passed by the Senate last week, is now in the Senate Finance Committee. Second, should positions such as direct care employees be a part of the bargaining process? Interim study seems the appropriate referral to consider these questions. Vote 14-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

HB 1278-FN, relative to senior assistant attorneys general. OUGHT TO PASS WITH AMENDMENT.

The Committee agrees with the Attorney General regarding the need for more designated senior assistant attorneys general because of the increased workload. This also will give an incentive for career paths for longer service to the state. Vote 14-0. Rep. Gerard E. Powers for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Senior Assistant Attorneys General. Amend RSA 21-M:3, IV to read as follows:

IV. The attorney general may designate no more than [8] **13** assistant attorneys general to serve as senior assistant attorneys general. Senior assistant attorneys general may serve as bureau chiefs and in such other positions as the attorney general may determine. Senior assistants shall serve in that capacity at the pleasure of the attorney general.

AMENDED ANALYSIS

This bill increases the number of assistant attorneys general who may be designated senior assistant attorneys general from 8 to 13.

The bill also permits senior assistant attorneys general to serve as bureau chiefs and in other positions determined by the attorney general.

Referred to Appropriations.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. **OUGHT TO PASS WITH AMENDMENT.**

This bill clarifies and ties up loose ends in the 1989 legislation on retirement. House Bill 85 was somewhat inconsistent and unclear on specifying the calculation method to be used in determining the cost of buy-in for prior service credit. It is essential that this be cleared up because many cases are held up in the Retirement System pending resolution of the uncertainties. Section 1 of this bill, as amended, calls for the use of the straightforward would-have-paid plus interest method for all prior service buy-in. Section 2 clarifies when a statute-of-limitations provision in HB 85 applies, and when it doesn't. Section 3 appropriates money from the system administrative fund, not general fund money, to fund a new position that was authorized, but not funded in HB 85. Section 4 repeals one of two duplicative provisions passed in SB 91 and HB 613. Section 5 provides that the section in SB 89 that requires that state employees have 10 years service for eligibility for medical benefits during this biennium does not apply in cases of accidental death or disability. The Fiscal Note calls for Retirement System administrative fund expenditures of \$44,739 in FY 91. Vote 13-0. Rep. John A. King for Executive Departments and Administration.

Amendment

Amend RSA 100-A:3, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount determined by the actuary shall be the [member annuity savings fund share plus accumulated earnings thereon only] *amount withdrawn plus interest from the date of withdrawal to the date of payment for prior service credit at a rate to be determined by the board of trustees.* For all other prior service credit the amount determined by the actuary shall [include both the member annuity savings fund share plus accumulated earnings thereon and the state annuity accumulation fund share plus accumulated earnings thereon] *be the sum of all member contributions plus employer contributions that would have been made if the prior service had been membership service with accumulated interest thereon to the date of payment at a rate to be determined by the board of trustees.*

Amend RSA 100-A:3, VI(d)(1) as inserted by section 1 of the bill by replacing it with the following:

(d)(I) In the case of an employer which through its own fault, and not the fault of the employee, failed to enroll an eligible employee at the time such employee became eligible for membership in this retirement system or a predecessor system, the employer and not the employee shall pay the cost of the actuary's statement obtained under this subparagraph. The actuary's statement shall be based on the [accrued liability cost of prior service credit] *sum of all member contributions plus employer contributions that would have been made if the prior service has been membership service with accumulated interest thereon to the date of payment at a rate to be determined by the board of trustees.* In addition, [for service rendered before July 1, 1989,] if such employee has not received final approval of the board [on or] before [June 30] **July 1, 1989**, to receive credit for such service, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay 1/2. [For service rendered after June 30, 1989, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay 1/2.] Upon payment, and with the approval of the board, the member shall receive credit for prior service. *The amount paid by the employee for prior service credit under this subparagraph shall be credited to the member annuity savings fund, and the amount paid by the employer shall be credited to the state annuity accumulation fund.*

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. \$2,485 for the purpose of providing office equipment for the retirement system director of finance.

AMENDED ANALYSIS

This bill amends the retirement system laws by:

I. Changing the buy-in provision for credit for prior service under RSA 100-A:3, VI and the application of that law as amended in 1989.

II. Making an appropriation from the New Hampshire retirement system administrative account for the salary, benefits, and office equipment for the retirement system director of finance.

III. Clarifying that teachers retired prior to July 1, 1957 were only to receive one 20 percent supplemental allowance as of July 1, 1989, by repealing a duplicative provision.

IV. Insuring that accidental disability retirees and accidental death beneficiaries are to receive state-paid medical benefits during the biennium ending June 30, 1991.

Referred to Appropriations.

HB 1393-FN, to retire the debt resulting from group II retirement system benefits granted in 1987. REFER FOR INTERIM STUDY.

The Committee needs more information and figures from the retirement system before allowing a one-time write-up of the valuation assets as of June 30, 1991, of the Group II members, for \$3,200,000. Vote 12-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 1402-FN, relative to longevity pay. INEXPEDIENT TO LEGISLATE.

This legislation provided certain state officials with a salary increase based on longevity payments. The Fiscal Note stated it would increase state expenditures in FY 91 by \$208,467 and in FY 92 by \$233,905. The Committee believes that because of the current fiscal restraints, it would not be advisable to support this legislation at this

time. Vote 13-0. Rep. Randall F. Shaw for Executive Departments and Administration.

HB 1031, relative to smelt fishing by the physically handicapped. INEXPEDIENT TO LEGISLATE.

This bill is sufficiently addressed under current law and it would also decrease the already limited resources. Vote 17-0. Rep. Willard N. Young for Fish and Game.

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement. OUGHT TO PASS.

This bill was requested by the Fish and Game Department and is a housekeeping measure. Vote 15-0. Rep. Paula J. Kinney for Fish and Game.

HB 1014-FN, relative to facilities licensed under RSA 151. OUGHT TO PASS.

It is estimated that there are between 80 and 100 facilities in New Hampshire that are caring for patients, but are unlicensed. Thus, these elderly are at risk because the facilities are not state inspected. This bill corrects that situation by: (1) making it a violation to refer a person to an unlicensed facility; (2) requiring public officials to report unlicensed facilities; and (3) establishing civil penalties for failure to comply with department directives. Vote 14-0. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

HB 1053, relative to the patients' bill of rights. OUGHT TO PASS.

This bill conforms to the amended federal law of 1987. The Committee had no debate after five persons testified. They were all in favor of passage. Vote 15-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

HB 1287-FN-A, relative to the deaf and hard of hearing and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The Committee found that part of the bill will be addressed by HB 1118, relative to hearing ear dogs. Vote 13-2. Rep. Stephanie K. Micklon for Health, Human Services and Elderly Affairs.

HB 1332-FN, relative to "Med-Aids." OUGHT TO PASS WITH AMENDMENT.

The original bill dealt with "Med-Aids" dispensing medications in nursing homes. The amendment establishes a study committee to find solutions to the severe personnel problems prevalent in all of the long-term care health facilities. This Committee is made up of representatives of the various health care facilities affected and is charged to report to the Speaker of the House, President of the Senate and the Governor by March 1, 1991. Vote 14-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the personnel problem
in long-term health care facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that there is an acute personnel problem in long-term health care facilities throughout New Hampshire. Therefore, the general court hereby establishes a committee to determine what should be done to

resolve this problem which would be in the best interests of the patients of such facilities.

2 Committee Established; Members. A committee is hereby established to study the issues relevant to the personnel problem in long-term health care facilities. The committee shall consist of the following:

I. The director of the division of public health services, department of health and human services, or designee.

II. A representative from the New Hampshire Hospital Association, appointed by such association.

III. The ombudsman of the department of health and human services, or designee.

IV. A county long-term health care facility administrator, appointed by the governor.

V. A representative from the New Hampshire Nurses Association, appointed by such association.

VI. One house member, who serves on the house health, human services and elderly affairs committee, appointed by the speaker of the house.

VII. One senate member, who serves on the senate public institution, health and human services committee, appointed by the president of the senate.

3 Duties. The committee shall study the issues relevant to the acute personnel problem in long-term health care facilities. The committee shall also examine the steps that other states have taken to solve this problem and share determine what should be done in New Hampshire to further the best interests of long-term health care facility patients who are in need of a higher level of care.

4 Report. The committee shall submit a report on its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor, on or before March 1, 1991.

5 Mileage. Legislators shall receive compensation for mileage at the legislative rates when attending to the business of the committee.

6 Appointments; Initial Meeting. All appointments to the committee shall be made within 30 days of the effective date of this act. The house member who serves on the house health, human services and elderly affairs committee shall call the first meeting of the committee.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the acute personnel problem in long-term health care facilities. The bill requires the committee to submit a report on its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor on or before March 1, 1991.

HB 1336-FN. relative to organ transplants. REFER FOR INTERIM STUDY.

The intent of this bill was to establish a transplant donation fund to be administered by the Director of the Division of Public Health Services. The program was to be funded by increasing license fees of certain medical professions, i.e., doctors, dentists, chiropractors and nurses. In addition, excess campaign funds from third term candidates not running could go into the fund. Donations, grants and bequests would be accepted. The Committee felt the bill was laudable. However, the feeling, especially with the unusual funding plans put forth, was that further exploration is needed. Vote 14-0. Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs.

HB 1347-FN-A, to review area agencies and the community developmental services system and making an appropriation therefor and relative to quality assurance records of community mental health programs. **OUGHT TO PASS WITH AMENDMENT.**

In prioritizing money bills, the Committee voted to delete the first three sections of this bill, which removes the appropriation and more studies of the mental health system. The Division has already planned to do the study that it needs for continuation of a federal waiver. The amendment just leaves the second section of the bill, which authorizes community mental health programs, established under RSA 136-C, to keep their quality assurance records confidential, unless the Division of Mental Health and Developmental Services requires disclosure during a site visit. Vote 16-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to quality assurance records of community mental health programs.

Amend the bill by deleting section 1-3 and renumbering the original sections 4 and 5 to read as 1 and 2, respectively.

AMENDED ANALYSIS

This bill authorizes community mental health programs, established under RSA 135-C, to keep their quality assurance records confidential unless the division of mental health and developmental services requires disclosure during a site visit.

HB 1125, requiring court explanation of sentences for certain crimes where imprisonment is not imposed. **INEXPEDIENT TO LEGISLATE.**

The Committee feels that there is serious question as to the ability of the legislative branch requiring the judicial branch to explain its actions. The bill also did not address how the court would explain in the case of mutually agreed-upon pleas. Vote 17-0. Rep. Daniel A. Eaton for Judiciary.

HB 1131, relative to special interest-bearing accounts for funds of clients of attorneys. **INEXPEDIENT TO LEGISLATE.**

This bill addresses a subject within the responsibility of the court system and not the Legislature. The sponsor agrees with this position. Vote 16-0. Rep. Robert E. Murphy for Judiciary.

HB 1142, relative to divorce. **INEXPEDIENT TO LEGISLATE.**

The subject of the first part of this bill is covered by present law. The second part, grounds for divorce, has been studied and it is felt that there should be more than one court ground. Vote 16-1. Rep. Elizabeth D. Lown for Judiciary.

HB 1160, relative to telephone and telegraph company records. **INEXPEDIENT TO LEGISLATE.**

The intent of this legislation was to allow the Attorney General's Office to have access to individuals' phone records showing their toll calls. The majority felt this bill left too large a gap. Current law allows those records to be reviewed with a court order. This legislation was very broad and did not even make it necessary for the individual to be under criminal investigation. Vote 13-4. Rep. Donnalee M. Lozeau for Judiciary.

HB 1207-FN-A, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. REFER FOR INTERIM STUDY.

This bill contains an idea whose time is very rapidly approaching. It would provide for an alternative divorce resolution which could dramatically improve the way in which marital cases are handled. However, the bill needs further work, and the Bar Association's Family Law Task Force deserves a chance to give its input. Vote 15-3. Rep. Alice B. Record and Peter Hoe Burling for Judiciary.

HB 1208-FN, reducing certain misdemeanors to violations. OUGHT TO PASS WITH AMENDMENT.

The bill, as amended, does three things. It makes driving an OHRV while intoxicated consistent with the DWI Law. It reduces racing on highways to a violation, consistent with the Reckless Driving Law and adds racing to the Habitual Offender Law. It reduces use and possession of slugs to violation; users of slugs may still be prosecuted for misdemeanors under the theft statute. The Committee feels there are reasonable penalties which may reduce the state's indigent defense obligation. Vote 15-2. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Operation of OHRV While Under the Influence. Amend RSA 215-A:11, II to read as follows:

II. Any person who shall be convicted of operating or attempting to operate an OHRV while under the influence of an intoxicating liquor, or any controlled drug, shall be guilty of a [misdemeanor] *violation for a first offense and a misdemeanor for a second or subsequent offense and shall be subject to the same penalties as a person convicted of a violation of RSA 265:82 as specified in RSA 265:82-b.*

2 New Subparagraph; Racing on Highways. Amend RSA 259:39, I by inserting after subparagraph (o) the following new subparagraph:

(p) Conviction of any offense specified in RSA 265:75.

3 Racing on Highways. Amend RSA 265:75, IV to read as follows:

IV. Any person convicted of violating this section shall be guilty of a [misdemeanor] *violation*.

4 Use and Possession of Slugs. Amend the introductory paragraph of RSA 638:13, I to read as follows:

1. A person is guilty of a [misdemeanor] *violation* if:

5 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill reduces certain motor vehicle offenses and the use and possession of slugs from misdemeanors to violations.

HB 1224-FN, relative to notice to parties prior to issuance of court opinions. IN-EXPEDIENT TO LEGISLATE.

Testimony revealed that the courts are already trying to meet the thrust of the bill, but that passage would further backlog the courts, and possibly require more staff as well as money. Vote 16-0. Rep. Daniel A. Eaton for Judiciary.

HB 1228-FN, relative to preparation of master jury lists by computer. OUGHT TO PASS WITH AMENDMENT.

This bill allows a town or city to choose names for its master jury list by computer on random search. The amendment deals with changing the date from January 1,

1991 to June 1, 1990 so that it might be effective for this year's drawing list. If this bill is accepted, it could prove cost-effective for computerized towns and cities. Vote 14-0. Rep. Alice B. Record for Judiciary.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect June 1, 1990.

HB 1328-FN, relative to probationary drivers' licenses. INEXPEDIENT TO LEGISLATE.

The Committee agrees with the sponsors that current law on this subject needs change. Time is needed to work on this legislation as this bill as drafted has problems as well. Vote 16-1. Rep. Beverly A. Hollingworth for Judiciary.

HB 1329-FN, relative to revocation of licenses of drivers under the DWI laws and changing a certain program name. INEXPEDIENT TO LEGISLATE.

The Committee agrees that parts of this legislation have merit and will be adding those sections to an omnibus DWI bill coming from the Committee. Stay tuned! Vote 16-1. Rep. Beverly A. Hollingworth for Judiciary.

HB 1361-FN, relative to locations where blood and urine samples may be tested for driving while under the influence of controlled drugs. INEXPEDIENT TO LEGISLATE.

The Committee agrees that parts of this bill have merit, and will be adding those sections to a DWI omnibus bill coming from the Committee this session. Stay tuned! Vote 18-0. Rep. Beverly A. Hollingworth for Judiciary.

HB 1381-FN, relative to public access to records. INEXPEDIENT TO LEGISLATE.

The Committee believes that this bill would require an unconstitutional mandate of services by cities and towns. It also appears to be unworkable in the extreme. While there may be a problem developing about public access to records of multi-town solid waste districts, this bill did not appear to offer any solutions. Vote 17-0. Rep. Peter Hoe Burling for Judiciary.

HB 1396-FN, authorizing an associate justice for the Laconia District Court. INEXPEDIENT TO LEGISLATE.

The Committee understands that there is a need for more judicial bench time in many of the district courts in the state. However, the Committee feels that the courts and not the Legislature should establish the priorities in appointing additional judges. In addition, given the current fiscal realities this is not the Committee's top priority. Vote 18-0. Rep. Shawn N. Jasper for Judiciary.

HB 1441-FN, relative to medicaid fraud. OUGHT TO PASS WITH AMENDMENT.

The bill establishes criminal penalties for providers who use fraud or deceit to obtain payment from Medicaid. This bill will be an added tool for the Attorney General's Medicaid Fraud Unit. The amendment is technical. Vote 12-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend RSA 167:61-a, I(f)(2) as inserted by section 3 of the bill by replacing it with the following:

(2) Offer or present or cause to be offered or presented any wholly or partially false, fraudulent, or deceptive book, record, document, data, or instrument to; any law enforcement officer, including any employee or agent of the attorney general, or to any employee or agent of the department of health and human services, in connection with any audit or investigation involving any claim for payment or rate of payment for any good, service, or accommodation payable in whole or in part under RSA 161 or RSA 167;

Amend RSA 167:61-a, I(g)(2) as inserted by section 3 of the bill by replacing it with the following:

(2) Of any cost or expense claimed for reimbursement for any good, service, or accommodation for which payment is or has been sought in whole or in part under RSA 161 or RSA 167; with the purpose of hindering or impeding any audit or investigation conducted by any law enforcement officer, including any employee or agent of the attorney general, or to any employee or agent of the department of health and human services;

Amend RSA 167:61-a, I(i) as inserted by section 3 of the bill by replacing it with the following:

(i) Knowingly solicit or receive any remuneration, including any bribe or rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for purchasing, leasing, ordering, or arranging for or recommending the purchase, lease, or ordering of any good, service, accommodation or facility for which payment may be made in whole or in part under RSA 161 or RSA 167, or knowingly offer or pay any remuneration, including any bribe or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to induce a person to purchase, lease, order, or arrange for or recommend the purchase, lease, or ordering of any good, service, accommodation or facility for which payment may be made in whole or in part under RSA 161 or RSA 167; or

AMENDED ANALYSIS

This bill establishes criminal penalties to be used to prosecute persons who fraudulently, deceptively or falsely acquire money or services from the department of health and human services for public assistance.

HB 1098-FN-A, to appropriate \$50,000 for the annual meeting of the Eastern Regional Conference of the Council of State Governments. **INEXPEDIENT TO LEGISLATE**.

This bill requests an appropriation of \$50,000 to cover the costs for the annual meeting of the Eastern Regional Conference of the Council of State Governments. In view of the financial status of state revenues, this bill was voted Inexpedient to Legislate. Vote 10-0. Rep. Mary Ann Lewis for Legislative Administration.

HB 1190-FN, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects. **OUGHT TO PASS WITH AMENDMENT**.

This bill establishes a committee to create a policy for New Hampshire relative to the collection and deaccession of historical objects. The amendment adds another member to the Committee and makes the bill effective upon passage. Vote 10-0. Rep. Mary Ann Lewis for Legislative Administration.

Amendment

Amend section 1 of the bill by inserting after paragraph X the following new paragraph:

XI. The director of the New Hampshire Historical Society, or designee.

Amend paragraph I of section 3 of the bill by replacing it with the following:

3 Duties. The committee shall:

I. Create a policy for the collection and deaccession of historical objects for the state of New Hampshire, with emphasis on how such objects shall be acquired, conserved, stored, exhibited, and deaccessioned.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes a trust fund for the purchase of historical artifacts which is to be administered by the Joint Legislative Historical Committee. The amendment makes a few language changes, reduces the appropriation to \$1 and makes the bill effective on passage. Vote 10-0. Rep. Mary C. Holmes for Legislative Administration.

Amendment

Amend RSA 17-I:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. To seek the advice of the advisory board, established under RSA 17-I:7 whenever necessary to determine the advisability of a purchase.

Amend RSA 17-I:6 as inserted by section 2 of the bill by replacing it with the following:

17-I:6 New Hampshire Heritage Fund. There is hereby established in the office of the state treasurer a trust fund to be known as the New Hampshire heritage trust fund which shall be kept separate and distinct from all other funds. All monetary gifts, grants, and donations pursuant to RSA 17-I:8 shall be deposited into such fund. This fund is organized exclusively for religious, charitable, scientific, literary, or educational purposes, within the meaning of those terms as used in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and no part of the net earnings shall inure to the benefit of any private shareholder or individual. In addition, the fund is established as a means to purchase, conserve, and care for historical artifacts of particular significance to New Hampshire's historical past. The moneys in this fund shall be nonlapsing and shall be continually appropriated.

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 is hereby appropriated for the biennium ending June 30, 1991, to the heritage trust fund established under RSA 17-I:6 for the purpose of acquiring, conserving, and caring for items of historical value. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a trust fund for the purchase, conservation, and care of historical artifacts which shall be administered by the joint legislative historical committee. The bill makes an appropriation to fund the trust.

The bill also establishes an advisory board to advise the committee on the purchase of such artifacts.

Referred to Appropriations.

HB 1022-FN-A, relative to the Glendale boat house and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Repairs are needed at the boat house, but the Committee feels these costs should be included in next year's Capital Budget. Vote 15-0. Rep. Thomas Salatiello for Public Works.

HB 1042-A, relative to construction of a new Rockingham county courthouse at Brentwood and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

The Committee is very sympathetic to the total court problems in Rockingham County, but feels more input is needed to establish who's doing what to whom with regard to location of a new courthouse and contemplated combinations of Hampton and Exeter courts. The Committee is using HB 1367 as a vehicle to properly plan an orderly construction schedule for the courthouses in Rockingham County. Vote 14-1. Rep. Gene G. Chandler for Public Works.

HB 1065-A, making an appropriation to fund certain construction at the New Hampshire technical institute. INEXPEDIENT TO LEGISLATE.

The sponsor requested the bill be reported Inexpedient because of the state's present financial situation. So done! Vote 16-0. Rep. Fredrik Peyron for Public Works.

HB 1205-FN-A, relative to a town road improvement program and increased construction and reconstruction highway aid. INEXPEDIENT TO LEGISLATE.

Fuel taxes will be covered in HB 1505. Any increase in fuel taxes will result in an increase to towns and cities since they receive 12 percent of all fuel tax revenues. Vote 15-1. Rep. Daniel P. McMerney for Public Works.

HB 1238-FN-A, relative to motor vehicle road tolls and license fees. INEXPEDIENT TO LEGISLATE.

Any increases in revenues will be addressed in HB 1505 to meet the needs of the Highway Department, but not until after potential operations savings are reviewed. Vote 17-0. Rep. Gene G. Chandler for Public Works.

HB 1350-A, increasing the appropriation for constructing regional vocational education centers. OUGHT TO PASS.

The construction of these three vocational education centers at Hudson, Claremont and Newport is to continue the 20-year program to provide employment training opportunities for our high school seniors. Vote 14-0. Rep. Beaton Marsh for Public Works.

Referred to Appropriations.

HB 1367-A, authorizing construction of a new courthouse in Rockingham county and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, provides for a study committee to review the architectural plans, site plans and costs of a new Rockingham County Superior Court facility. This

Committee will involve legislators as well as members of the judiciary, county commission, and the Director of Plant and Property Management, Division of Administrative Services. Vote 15-0. Rep. Thomas Salatiello for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Duties. There is established a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building to be constructed on county land in Brentwood, New Hampshire. The committee shall also review the future usage of the present Rockingham county superior court building in Exeter and its possible use as a district court facility for Exeter or Hampton, or both, or other possible uses.

2 Committee Composition. The committee shall consist of the following:

I. Three members of the house of representatives, appointed by the speaker of the house.

II. Three members of the senate, appointed by the senate president.

III. One member of the Rockingham county commission, appointed by the commissioners.

IV. One member of the New Hampshire judiciary, appointed by the chief justice, or designee.

V. The director of the division of plant and property management, department of administrative services.

3 Report. The committee shall report its findings and recommendations to the senate president and speaker of the house on or before January 1, 1991, or as necessary.

4 Mileage. The committee members shall not be compensated for their services, but legislative members shall be compensated for mileage at the legislative rate.

5 Effective Date. This act shall take effect upon its passage. .

AMENDED ANALYSIS

This bill establishes a committee to study the architects' proposals, site location, and costs of a new Rockingham county superior court building. The committee also shall study the future use of the existing Rockingham county superior court building.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. **OUGHT TO PASS.**

The Committee heartily endorses HB 1371 which allows the Department of Administrative Services to purchase the Coos County Courthouse for the grand sum of \$1. The state will lease portions of the facility to other county offices, with the exception of the Extension Service. This seems to be a fair deal for both the state and county. Two years ago the same type of bill was approved for the Carroll County Courthouse. Vote 15-0. Rep. Gene G. Chandler for Public Works.

Referred to Appropriations.

HB 1403-A, to establish a fire academy and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that this type of appropriation, for the construction of a new fire academy, most properly belongs in the Capital Budget. Another problem concerns the

increase of registration fees to fund construction of the academy. It was felt that this proposed funding mechanism could be unconstitutional as it would divert funds from the highway fund. Vote 13-3. Rep. Gene G. Chandler for Public Works.

HB 1195-FN, relative to seasonal beverage permits. **OUGHT TO PASS WITH AMENDMENTS.**

This bill allows a seasonal business to have a seasonal license. It will pay one-half the regular fee for one-third of a year license. It is anticipated that any loss of income will be compensated by an increase in the number of licenses issued. The other amendment allows club members to sign in guests when they go to an affiliated club in another town. The law currently does not permit this, but it is now common practice. Vote 16-0. Rep. Frank J. Palazzo for Regulated Revenues.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Seasonal Permit. Amend RSA 181 by inserting after section 5 the following new section:

181:5-a Seasonal Permit. Notwithstanding any other provision of law, the commission may issue a seasonal permit, which shall be valid for 120 days from the date of issuance, to any individual, partnership, or corporation who is otherwise eligible for an on-sale permit under RSA 181:4, an off-sale permit under RSA 181:5, or a license or permit under RSA 178 or RSA 178-A. The fee for a seasonal permit shall be 1/2 of the applicable yearly fee for the on-sale permit or off-sale permit under RSA 181:16.

AMENDED ANALYSIS

This bill allows the liquor commission to grant 120-day permits for the sale of beverages, wine, or liquor to certain restaurants, hotels, clubs, grocery stores, or drug stores which are otherwise eligible for annual permits, but choose to sell beverages, wine, or liquor only for a portion of the year. The fee for such a permit is 1/2 the applicable annual fee.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to seasonal beverage permits and certain privileges
of club members.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Canteen Privileges Among Affiliated Clubs. Amend RSA 178:7 by inserting after paragraph I the following new paragraph:

I-a. Every member of a club, affiliated with a national fraternal organization and licensed under paragraph I, shall be entitled to canteen privileges at every club with which his club is affiliated in this state. Such canteen privileges shall include the right to bring guests to affiliated clubs, providing the member has on his person, and displays upon request, a current membership card of the national fraternal organization.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the liquor commission to grant 4-month permits for the sale of beverages to certain restaurants, hotels, clubs, grocery stores or drug stores which are

otherwise eligible for annual permits, but choose to sell beverages only for a portion of the year. The fee for such a permit is 1/2 the applicable annual fee.

The bill also entitles members of clubs affiliated with national fraternal organizations to canteen privileges, including the right to bring guests, at other clubs belonging to the same organization.

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees. OUGHT TO PASS.

The bill, as written, states that licensed importers may transport wine and liquor from their own warehouses directly to state liquor stores and on-premise and off-premise licensees in accordance with rules adopted by the Commission. The Committee felt that this would, therefore, be legislatively an intent for the Liquor Commission to then determine when and where deliveries will be made. The only importer, presently in business, agrees with this interpretation of legislative intent and the Commission understands the legislative intent of the bill as well. Vote 16-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 1373-FN, relative to liquor licenses for bowling centers. INEXPEDIENT TO LEGISLATE.

The granting of additional areas for the consumption of alcohol to bowling alleys touches on many serious issues. The Committee felt that such expansion is a subject better dealt with by the Commission on a case by case basis. Language authorizing individual consideration is contained in HB 1410. Vote 16-0. Rep. Thomas A. Behrens for Regulated Revenues.

HB 1434-FN, relative to simulcast racing at certain dog tracks. INEXPEDIENT TO LEGISLATE.

Intrastate simulcasting, according to this bill, would lead to off track betting, and does not make financial sense, since other tracks in state would not send the signal. Vote 14-2. Rep. Lynn C. Horton for Regulated Revenues.

HB 1026, relative to the definition of public access to public waters. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, defines public access to our Great Ponds for recreational purposes. Further, the state of New Hampshire clearly reasserts its jurisdiction over Great Ponds in the White Mountain National Forest. Vote 13-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Definition. Amend RSA 271 by inserting after section 20 the following new section:

271:20-a Definition of Public Access.

I. Public access to public waters means legal passage to any of the public waters of the state by way of designated contiguous land owned or controlled by a state agency, assuring that members of the public shall have access to and use of the public waters for recreational purposes.

II. Public access also means that no barriers or other impediments shall exist in the roads and ways leading to any of the public waters.

2 State Jurisdiction Over Public Waters. Amend RSA 271:20 to read as follows:

271:20 [Area] *State Water Jurisdiction*. All natural bodies of fresh water *situated entirely in the state* having an area of 10 acres or more are *state-owned* public waters.

and are held in trust by the state for public use; and no corporation or individual shall have or exercise in any such body of water any rights or privileges not common to all citizens of this state; *provided, however, the state retains its existing jurisdiction over those bodies of water located on the borders of the state over which it has exercised such jurisdiction.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill defines public access to public waters. The bill also clarifies state jurisdiction over public waters.

HB 1219-FN, relative to the oil discharge and disposal cleanup fund. OUGHT TO PASS WITH AMENDMENT.

This bill requires the Commissioner of Safety to file quarterly reports on administrative costs of the oil discharge and disposal cleanup fund with the Oil Fund Disbursement Board. The report will call for an itemized list of the expenditures. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend RSA 146-D:8, II as inserted by section 2 of the bill by replacing it with the following:

II. The commissioner of safety shall develop a cost allocation system to assure maintenance of a separate administrative cost accounting procedure based on best estimates to be used in calculating the cost of the department's collection activities under RSA 146-D:3, III.

Amend the bill by replacing section 3 with the following:

3 Repeal. The following are repealed:

I. RSA 146-D:5, I(e), relative to criteria and procedures for review of quarterly administrative cost reports submitted by the commissioner of safety.

II. RSA 146-D:8, relative to the administrative costs of the department so safety concerning the oil discharge and disposal cleanup fund.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect June 30, 1992.

AMENDED ANALYSIS

This bill requires the commissioner of safety to file quarterly reports on administrative costs of the oil discharge and disposal cleanup fund with the oil fund disbursement board.

The provisions of the bill are repealed on June 30, 1992.

HB 1404-FN-A, relative to shoreland protection and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

The members of the study committee set up on HB 755 (1989) and the sponsors of HB 1404 are to be congratulated for the progress which they made in such a short time. HB 1404 presents many new concepts. The Committee gives its strong support to a continued study. A member of the House Municipal and County Government Committee has been added to the study committee. Some of the specific problems articulated in HB 1404 will be addressed in other legislation. Vote 15-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee on shoreland protection
and standards for such protection.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court finds that:

I. The shorelands of the state are among its most valuable and fragile natural resources and that their protection is essential to maintain the integrity of public waters.

II. The public waters of New Hampshire are valuable resources held in trust by the state and the state has an interest in preserving those waters and has the jurisdiction to control the use of public waters and the adjacent shoreland for the greatest public benefit.

III. There is great concern throughout the state relating to the utilization, protection, restoration and preservation of shorelands because of their effect on state waters.

IV. Under current law there is the potential for significant negative impacts on the public waters of New Hampshire due to the lack of adequate minimum protection standards.

2 Minimum Standards Required. To fulfill the state's role as trustee of its waters and to promote public health, safety, and the general welfare, the general court declares that the public interest requires the establishment of minimum standards for the use and development of the shorelands, essential to protect the quality of the state's public waters and related environmental assets.

3 Shoreland Study Committee.

I. There is hereby established a committee which will study and recommend proposed legislation regarding a comprehensive shoreland protection act, including minimum standards for the use and development of the shorelands of the state's public waters to preserve and enhance the quality of surface waters and to conserve the economic value and natural environmental assets of shorelands.

II. The duties of the committee shall be to meet to consider and recommend proposed legislation regarding a comprehensive shoreline protection act. The committee shall coordinate their efforts with activities of the department of environmental services relative to lakes and rivers management and with comparable activities of the port authority for the coastal waters of New Hampshire. The study committee recommendation shall be in the form of a report to be submitted by October 31, 1990, to the governor, the president of the senate, and the speaker of the house.

III. The membership of the committee shall be comprised of the following:

(a) One member who is an elected officer or staff member of a New Hampshire lake association.

(b) One member nominated by the river management advisory committee, as established in RSA 483:8.

(c) One member nominated by the New Hampshire Association of Regional Planning Commissions.

(d) One member each from the following state agencies, which may be the commissioner, director, or designee thereof:

(1) Division of parks and recreation.

(2) Department of fish and game.

- (3) Office of state planning.
- (4) The state port authority.
- (e) Two members from the department of environmental services, one representing lakes and one representing rivers.
- (f) One member nominated by the New Hampshire Municipal Association who is an elected municipal officer from one of the following:
 - (1) A lakefront community.
 - (2) A riverfront community.
 - (3) A great bay community.
- (g) One member nominated by the New Hampshire Home Builders Association.
- (h) One member nominated by the New Hampshire Association of Realtors.
- (i) One member from the staff of the New Hampshire Municipal Association.
- (j) One member representing the New Hampshire Association of Conservation Commissions.
- (k) Two members of the house of representatives, appointed by the speaker of the house. One shall be from the resources, recreation and development committee and one from the municipal and county government committee.
- (l) Two members of the senate, appointed by the senate president.

IV. The members designated in subparagraphs I(a)-(j) shall be appointed by the governor.

V. The director of office of state planning shall serve as chairman and shall schedule the first committee meeting.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a shoreland protection study committee. The committee is to study and recommend legislation regarding a comprehensive shoreland protection act, including minimum standards for the use and development of the state's shorelands.

HB 1069-FN, relative to the dig-safe law. OUGHT TO PASS WITH AMENDMENT.

This bill amends the Dig-Safe Law to authorize the Public Utilities Commission to levy a fine of up to \$500 on a person who fails to notify the affected company, or the damage prevention system of an excavation near an underground utility facility, whether the facility is damaged or not. This bill is a request of the Public Utilities Commission. Vote 9-1. Rep. Ralph J. Rosen for Science, Technology and Energy.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Failure to Notify Public Utilities Commission of Excavation; Fine Authorized. Amend RSA 374:55, II to read as follows:

II. Any excavator who does not give notice of an excavation as required by RSA 374:51 [and who damages an underground utility facility in the course of that excavation] shall be subject to a civil penalty of up to \$500 *for failure to give such notice and subject to an additional civil penalty of up to \$500* for damages to [utilities] *any utility facility* resulting from that excavation, in addition to any liability for the actual damages.

2 Enforcement. Amend RSA 374:55, V to read as follows:

V. The commission or any commission employee, involved in the "Dig Safe" program and designated by the commission, may enforce violations of this subdivision [by initiating, or requesting the attorney general to initiate, an action in any appropriate district court]. Any excavator or utility company which suffers damage resulting from violation of] *that violates* this subdivision [may request the commission to initiate, or request the attorney general to initiate, such action] *shall be subject to a civil penalty as determined by the commission under paragraph II.*

3 Effective Date. This act shall take effect 60 days after its passage.

HB 1296-FN, regulating the use of automatic telephone dialing and announcing equipment. INEXPEDIENT TO LEGISLATE.

Legislation was passed last session regulating automatic telephone dialing and announcing systems. Since that legislation just became effective January 1, 1990, the Committee feels it is premature to enact further controls. However, concern of possible abuse in this area has prompted the Committee to request the Attorney General's Office of Consumer Protection to report back prior to the next legislative session on complaints and any recommendations for follow-up legislation. Vote 10-0. Rep. Charles C. Vogler for Science, Technology and Energy.

HB 1002, prohibiting the operation of ski craft on Lake Opechee in the city of Laconia. INEXPEDIENT TO LEGISLATE.

This bill would have prohibited the operation of ski craft on Lake Opechee in the city of Laconia. The Committee felt this type of request should be made to the Department of Safety under the hearings process legislated last year under SB 111. Vote 16-0. Rep. Kenneth W. Malcolm for Transportation.

HB 1006-FN, repealing the boat safety fund. INEXPEDIENT TO LEGISLATE.

This bill would have repealed all the provisions relative to the boat safety fund. The majority of the Committee felt that the boat safety fund, effective January 1, 1989, had not had sufficient time to become effective. Vote 12-1. Rep. Richard L. Haynes for Transportation.

HB 1104, relative to the motor vehicle laws. OUGHT TO PASS.

This bill is the annual omnibus bill requested by the Department of Safety clarifying various sections of the Motor Vehicle Laws. The Committee agreed to its passage by a vote of 16-0. Rep. Richard L. Haynes for Transportation.

HB 1389-FN-A, relative to the taxation of banks. OUGHT TO PASS WITH AMENDMENT.

The bill, requested by the Department of Revenue Administration, corrects a glitch in current tax law which could conceivably cost the state \$5 million per year. The bill does not change the existing tax/revenue situation. Vote 14-0. Rep. Robert C. Hayes for Ways and Means.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

REGULAR CALENDAR

HB 1146-FN, relative to notification to foster parents, adoptive parents, and others of information concerning a child. OUGHT TO PASS WITH AMENDMENT.

This bill provides information to foster parents, adoptive parents and others concerning a child that is being placed. The information pertains to the life and safety of a

child about to be placed or already in placement and the life and safety of the persons receiving the child for placement. Vote 14-0. Rep. Nancy W. MacKinnon for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to confidential information concerning a child who
is subject to placement with persons or agencies.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court hereby finds that foster families, adoptive families, and others who provide certain child care services for children in out-of-home placement in New Hampshire are vital to providing the care necessary for serving the best interests of such children. In order to provide for the safety and appropriateness of the out-of-home placement for both the child being placed and the persons who are receiving the child for placement, the general court directs that relevant information about the child be available to the agency authorized pursuant to RSA 170-E to place children shall be shared with the persons who are receiving the child for placement.

2 New Subparagraph; Rulemaking; Access to Confidential Information for Certain Persons or Agencies; Child Protection Act. Amend RSA 169-C:25, III by inserting after subparagraph (b) the following new subparagraph:

(c) Persons or agencies including, but not limited to, foster parents, group homes, and child care institutions who receive children for placement pursuant to court proceedings under this chapter.

3 New Subparagraph; Rulemaking; Access to Confidential Information for Certain Persons or Agencies; Child Caring and Child Placing Agencies. Amend RSA 170-E:9, I(a) by inserting after subparagraph (a)(12) the following new subparagraph:

(13) The release of information to persons receiving the child which pertains to the life and safety of the child either about to be placed or already in placement, and which may pertain to the life and safety of the persons who are receiving or who have received the child for placement. For purposes of this subparagraph, placement shall mean out-of-home placements, including placements for adoption.

4 New Paragraph; Adoptive Parents May Receive Confidential Information. Amend RSA 170-B:19 by inserting after paragraph III the following new paragraph:

IV. Nothing contained in this section shall prevent the division or the child placing agency from sharing with the adoptive parents all information it has available about the child being placed for adoption. The division or the child placing agency shall delete any information which would tend to identify a natural parent.

5 Report. The division for children and youth services shall:

I. Report, on or before September 1, 1990, to the children, youth and juvenile justice committee on its progress with the adoption of rules pursuant to RSA 169-C:25, III(c) as inserted by section 2 of this act and to RSA 170-E:9, I(a)(13) as inserted by section 3 of this act.

II. File, on or before September 1, 1990, the rules required to be adopted pursuant to RSA 169-C:25, III(c) as inserted by section 2 of this act and to RSA 170-E:9, I(a)(13) as inserted by section 3 of this act with the administrative rules division of the office of legislative services.

III. Report to the children, youth and juvenile justice committee that the filing made pursuant to paragraph II has been completed.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits the release of certain confidential information regarding a child in the custody of the division for children and youth services or a licensed child-placing agency to the person or agency, such as foster parents, group homes, or child care institutions, who receive such children for placement.

The bill characterizes information subject to be released to such persons or agencies as information which pertains to the life and safety of both the child and the persons who are receiving the child for placement. In the case of adoptions, adoptive parents will have access to all information known by the division or child placing agency about the child being placed for adoption, with certain exceptions relative to identification of a natural parent.

Amendment adopted.

Ordered to third reading.

HB 266-FN, requiring employers to offer health insurance benefits to part-time employees. **OUGHT TO PASS WITH AMENDMENT.**

The Committee held another public hearing since the bill was recommitted. House Bill 266 is an attempt to expand the opportunity for health care coverage to a segment of the work force that currently is precluded from insurance coverage — the part-time worker. This bill allows a part-time employee to elect to purchase the employer's group health coverage plan at the group rate. The employer is not required to pick up any portion of a part-time employee's health care coverage cost. Vote 8-3. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill to read as follows:

AN ACT

requiring employers to offer health benefits to part-time employees.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Health Benefits for Part-Time Employees. Amend RSA 275 by inserting after section 56 the following new subdivision:

Part-Time Employee Health Benefits

275:57 Health Benefits for Part-Time Employees.

I. In this section, a part-time employee means any employee who regularly works at least half of the weekly hours of the full-time employee in the employee group of which the part-time employee would be a member if he were a full-time employee, but who works a minimum of at least 15 hours per week for an employer who employs at least 15 full-time employees.

II. An employer shall offer his part-time employees the opportunity to participate in any group or blanket health benefit policies or plans in which full-time employees may participate. The employer shall not be required to pay any amounts in addition to the part-time employee's wages for health benefit coverage for such employee. If the part-time employee accepts the employer's offer to become a participant in a group or blanket health insurance policy or plan, the employer may withhold from the part-time employee's wages the full amount of the health benefit cost for the coverage chosen by the employee.

III. Any employer who violates the provisions of this section, by denying participation in a health plan or policy, or both, shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires employers to offer part-time employees the option to participate in any group or blanket health benefit policy or plan in which full-time employees may participate. If the part-time employee chooses to participate in the group insurance policy or plan, the employer may withhold from the part-time employee's wages the full amount of the health benefit cost for the coverage chosen by the employee.

Amendment adopted.

Ordered to third reading.

HB 1072-FN, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation. **ought to pass.**

This bill clarifies that persons may be subject to certain administrative penalties, including fines for violations of the security laws and makes explicit the power of the Director of the Office of Securities Regulations. Vote 14-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Ordered to third reading.

HB 1199-FN-A, relative to the insurance premium tax as the source of funding for the victims' assistance fund and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The bill is worthy in wanting a different source of funding; the Committee recommends that the sponsor continue the effort. The Committee feels that the insurance premium tax should not be used. There is the possibility of reaction by both foreign and domestic insurers. The bill is loosely written and should not be passed. Vote 11-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 1192-FN-A, establishing a New Hampshire small business mini-loan program and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

The concept of the bill has a great deal of merit and appears to address a segment of the economy that needs to be seriously examined. Testimony showed that organizations such as National Crime Information Check (NCIC) are models with specific economic parameters and deserve study. Vote 11-2. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 1265-FN, relative to consumer motor vehicle warranties. **REFER FOR INTERIM STUDY.**

The Committee unanimously supports interim study for this bill. It recognizes that the present "Lemon Law" requires work. However, this bill as written, puts a burden on the Consumer Division of the Attorney General's Office that in this time of fiscal constraint, it just could not handle. The Committee did not have time to fully review all of the material available. Additionally, the Committee did not have time to responsibly amend this legislation and fund it. Vote 11-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 1313-FN, relative to mental health counselors. OUGHT TO PASS WITH AMENDMENT.

The Committee believes that the certification of mental health counselors is in the best interest of the public which is using mental health counselors. Currently, certified mental health counselors are reimbursed by commercial insurers and are providers under the two health maintenance organizations, but not under Blue Cross. While the Committee felt certification was a good idea, it did not want to mandate an insurance rider. The amendment removes references to insurance coverage. The original fiscal note dealt with the impact of mandating insurance coverage. With certification only, the fee for the individuals eligible to be certified would be covered by the 125 percent fee for the Board of Examiners of Psychologists. Vote 13-1. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Rep. David Wheeler moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Fair spoke against the motion.

Roll call was called for. Sufficiently seconded.

YEAS 96**NAYS 229****YEAS 96
BELKNAP**

Bolduc, Dennis R.
Holbrook, Robert G.
Ziegler, Alice S.

Campbell, Richard H., Jr.
Rosen, Ralph J.

Golden, Paul A.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.

Chandler, Gene G.
Dodge, Arthur G., Jr.

Daly, Robert J., Jr.
Saunders, Howard N.

CHESHIRE

Blacketor, Paul G.
Laurent, John J.
Sawyer, Alfred P.

Delano, Robert F.
Morse, Jo-Ann T.
Young, David A.

Doucette, Richard F.
Perry, David M.

COOS

Brungot, Catherine V.

GRAFTON

Dow, David
Shackett, Ralph E.

Driscoll, William J.
Townsend, Howard C.

Rose, William B.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Cox, Gladys M.
Drabinowicz, A. Theresa
Frank, Nancy G.
Goulet, Maurice E.
Keefe, Edmund M.
Lachut, Ervin R.
McDowell, James E.
Provost, Gilles R.
Tyree, Paul M.
Wright, George W.

Desrochers, Gerard T.
Dyer, Merton S.
Gagnon, Gabrielle V.
Hultgren, David D.
King, John A.
Lawrence, Eva M.
McNerney, Daniel P.
Riley, Frances L.
Upton, Barbara Allen

Donovan, Francis X.
Foote, Herbert N., Sr.
Gerow, Sezen M.
Jasper, Shawn N.
Kurk, Neal M.
Lawrence, Norman B.
Ouellette, Robert O.
Searles, Stanley N., Sr.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Soldati, Jennifer

Barberia, Richard A.
Kidder, William F.
Whittemore, James A.

Bardsley, Elizabeth S.
Nichols, Avis B.

ROCKINGHAM

Blanchard, MaryAnn N.
Chase, Lawrence A., Jr.
Gage, Beverly A.
Katsakiores, George N.
Malcolm, Kenneth W.
Tufts, J. Arthur
Wright, David B.

Brown, Jeffrey M.
Cooke, Annette M.
Haynes, Richard L.
Katsakiores, Phyllis
McKinney, Betsy
Vaughn, Charles L.

Buco, Stephen
Dube, LeRoy S.
Johnson, Robert A.
King, Roger C.
Raynowska, Bernard J.
Welch, David A.

STRAFFORD

Gilmore, Gary
Pelley, Janet R.
Torr, Ann M.
Young, John B.

Marston, Robert E.
Stewart, Glenn W.
Vincent, Francis C.

O'Brien, John
Swope, Warren L.
Wheeler, Katherine Wells

SULLIVAN

Domini, Irene C.

Hinrichsen, Keith

Peyron, Fredrik

NAYS 229**BELKNAP**

Hawkins, Robert S.
Rice, Thomas, Jr.
Turner, Robert H.

Maviglio, Steven R.
Richardson, Lawrence

Pearson, Ralph W.
Salatiello, Thomas

CARROLL

Foster, Robert W.

Olimpio, J. Lisbeth

Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
LaMar, David M.
Pearson, Gertrude B.

Barber, Robert E., Jr.
Eaton, Daniel Adams
Hill, Douglas E.
Matson, William R.
Pratt, Irene A.

Cole, Stacey W.
Foster, Katherine Davis
Hunt, John B.
Metzger, Katherine H.
Spear, Susan

COOS

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

Guay, Lawrence J.
Lemire, George
Merrill, Gerald
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Hill, Richard L.
Stewart, Roger

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Teschner, Douglass P.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Scanlan, David M.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.

Alukonis, David J.
Baldizar, Barbara J.

Amidon, Eleanor H.
Barry, Janet Gail

Barry, Vivian
Brady, Carolyn L.
Daigle, Robert Arthur
Drolet, Paul L.
Dykstra, Leona
Fields, Dennis H.
Green, Scott E.
Hanselman, Gregory L.
Holden, Carol H.
Jenkins, Mary
Klose, John F.
Lefebvre, Roland J.
Mason, Howard F.
Messier, Irene M.
Murphy, Robert E.
Packard, Bonnie B.
Perham, Lester R.
Record, Alice Barnard
Robinson, Ellen-Ann
Steiner, Lee Anne
Toomey, Daniel
Wihby, Linda S.

Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Dube, Ellen C.
Elliott, Larry G.
Flood, Jacqueline J.
Haettenschwiller, A. A.
Harlan, Susan N.
Hunter, Bruce F.
Johnson, Lionel W.
Knight, Alice Tirrell
Lown, Elizabeth
McCann, Bonnie Lou
Moore, Elizabeth A.
Nardi, Theodora P.
Pappas, Toni
Pignatelli, Debora B.
Reidy, Frank J.
Sallada, Roland A.
Stiles, Walter A.
Turgeon, Roland M.
Young, Willard N.

Bowers, Dorothy C.
Culbert, Patrick
Domaingue, Jacquelyn
Dwyer, Patricia R.
Emerton, Lawrence
Ford, Nancy M.
Hall, Betty B.
Healy, Daniel J.
Jean, Romeo W.
Kelley, Robert N.
Leclerc, Charles J.
Lozeau, Donnalee
McRae, Karen
Morrissette, Roland
O'Rourke, JoAnne A.
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Rheault, Lillian I.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Braiterman, Thea
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Pfaff, Terence R.
Smith, Gerald R.
Trombly, Rick A.

Beaton, Nancy
Carter, Susan D.
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Holmes, Mary C.
Lewis, Mary Ann
Phelps, James D.
Stio, Peter M.
Wallner, Mary Jane

Bennett, J. Allen
Daneault, Gabriel
Fillion, Paul R.
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Millard, Elizabeth S.
Shaw, Randall F.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Boucher, William Paul
Campbell, Marilyn R.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Kane, Cecelia D.
MacDonald, Joseph A.
McCain, William F.
Pantelakos, Laura C.
Popov, Elizabeth M.
Senter, Marilyn P.

Bell, Juanita
Brown, Lewis W.
Caswell, Albert, Jr.
Flanagan, Natalie S.
Ford, Bert H.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McCarthy, John James, Jr.
Parr, Ednapearl F.
Ritzo, Eugene
Sherburne, John L.

Benton, Richardson D.
Campbell, Eunice M.
Conroy, Janet M.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Lovejoy, Virginia K.
Magoon, Harold F.
Micklon, Stephanie K.
Parsons, Robert F.
Schmidtchen, Rowland
Skinner, Patricia M.

Sochalski, Matthew M.
Sytek, Donna
Weddle, Michael Rodney

Splaine, John E., Sr.
Vartanian, Elsie
Wells, Henry E.

Stachowske, Vicki
Warburton, Calvin

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Anita A.
Frechette, Roland A.
Lachance, Douglas
Musler, George T.
Spencer, Leo J.

Bernard, Mary E.
Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra Balomenos
Martling, W. Kent
Parks, Joe B.
Sullivan, Henry P.

Bickford, Drucilla
Dionne, Albert J.
Foss, Patricia H.
Kinney, Paula J.
Merrill, Amanda
Scharff, Thomas Edward
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Behland, Jane A.
Middleton, John A.

Burling, Peter Hoe
Krueger, Richard H.
Rodeschin, Beverly T.

Flint, Gordon B.
MacAskill, Kenneth M.
Schotanus, Merle W.

The substitute motion lost.

Rep. Lockwood abstained from voting under Rule 16.

Amendment

Amend the bill by replacing section 4 with the following:

4 New Section; Definitions; "Certified Clinical Mental Health Counselors" and "Allied Mental Health Profession." Amend RSA 330-A by inserting after section 1 the following new section:

330-A:1-a Additional Definitions. In this chapter:

I. "Allied mental health profession" means any profession related to clinical mental health counseling which provides services to the public for prevention, diagnosis, and treatment of mental health related problems, and which includes psychiatry, psychology, psychiatric social work, and psychiatric nursing.

II. "Certified clinical mental health counselor" means an individual certified by the National Academy of Certified Clinical Mental Health Counselors on the basis of education, training and supervised experience as being competent to provide professional counseling services, involving the application of principles of psychotherapy, human development, learning theory, group dynamics, and the etiology of mental illness and dysfunctional behavior, to individuals, couples, families and groups for the purposes of treating psychopathology and promoting optimal mental health. Certified clinical mental health counselors provide services that include, but are not limited to, diagnosis and treatment of mental emotional disorder, psychoeducational techniques aimed at the prevention of such disorders, consultations to individuals, couples, families, groups, organizations and communities, and clinical research into more effective psychotherapeutic treatment modalities. Maintenance of certification requires that the certified clinical mental health counselor adhere to the Academy's ethical standards for professional practice and provide evidence of ongoing professional development.

Amend the bill by replacing section 6 with the following:

6 New Section; Mental Health Counselors. Amend RSA 330-A by inserting after section 16-d the following new section:

330-A:16-e Certified Clinical Mental Health Counselors. The board shall issue a clinical mental health counselor certificate to any person who meets all of the following requirements or their equivalent:

I. Has a master's degree or doctorate degree in mental health counseling or allied mental health profession from a regionally accredited institution whose graduate program meets the guidelines set forth by the National Academy of Certified Clinical Mental Health Counselors.

II. Has had 1,000 hours of internship or its equivalent as set forth by the National Academy of Certified Clinical Mental Health Counselors.

III. Has had 2 years of post-master's experience in an applied mental health counseling setting, including a minimum of 3,000 hours of supervised clinical work over 2 years, and 100 hours of face-to-face supervision by a certified or licensed mental health care practitioner.

IV. Has passed the national exam of the National Academy of Certified Clinical Mental Health Counselors.

Amend the bill by deleting sections 7-8 and renumbering the original sections 9-10 to read as 7 and 8, respectively.

AMENDED ANALYSIS

This bill establishes a certification process for clinical mental health counselors. The bill adds a certified clinical mental health counselor and a public member to the board of examiners of psychologists.

Amendment adopted.

Referred to Executive Departments and Administration.

HB 1348-FN-A, relative to access to health care for the uninsured and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, establishes a pilot program to provide necessary basic health care services to working individuals and others who lack coverage at a cost that does not prevent use of necessary services. This program would be available to residents under 65 not eligible for Medicare, Medicaid or any form of comprehensive health insurance with a gross family income at or below 200 percent of the federal poverty guidelines.

The administrator of the program will be appointed by the Commissioner of Health and Human Services. The Administrator shall design a schedule of basic health care services and contract for an actuarial study of the benefit structure leading to a benefits package. The Administrator shall contract for an actuarial study of the benefit structure in order to provide a benefits package to the pilot group at an affordable cost. Vote 11-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Rep. Jasper moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment.

Rep. Packard spoke against the motion.

Substitute motion lost.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose and Intent.

I. The legislature finds that a significant percentage of the population of this state does not have insurance or other coverage of the costs of necessary basic health care services available to it. This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and purchasers of health care, including the state.

II. The purpose of this chapter is to provide necessary basic health care services to working individuals and others who lack coverage, at a cost that does not prevent use of necessary health care services. This chapter establishes a health insurance program to be available to residents under 65 years of age not otherwise eligible for Medicare, Medicaid, or any form of comprehensive health insurance with a gross family income at or below 200 percent of the federal poverty guidelines.

III. It is not the intent of this chapter to provide health care services for individuals who have coverage through private employer-based health plans, nor to replace employer-based health plans. It is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage any decline in employer-based coverage.

2 New Chapter; Health Care Access Program. Amend RSA by inserting after chapter 415-D the following new chapter:

CHAPTER 415-E

HEALTH CARE ACCESS PROGRAM

415-E:1 Definitions. In this chapter:

I. "Administrator" means the New Hampshire basic health plan administrator.

II. "Co-payment" means that portion of the provider charge that the patient is responsible for paying to the provider for the services rendered.

III. "Contribution" means that portion of the premium cost that the individual enrollee is responsible for paying to the administrator for coverage under the plan.

IV. "Enrolled" means an individual and such individual's spouse and dependent children, if any, all of whom are under the age of 65, who reside in an area of the state served by a managed health care system participating in the plan, have a gross family income at the time of enrollment not exceeding 200 percent of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and choose to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

V. "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination of such organizations, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

VI. "New Hampshire basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

VII. "Premium" means a periodic payment, based upon gross family income, which an enrollee makes to the plan as consideration for enrollment in the plan.

VIII. "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, which is based upon the enrollment of enrollees in the plan and in that system.

IX. "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan account, to a managed health care system on behalf of an enrollee and the amount determined to be the enrollee's responsibility.

415-E:2 New Hampshire Basic Health Plan Established. The New Hampshire basic health plan is hereby established as a pilot program to be administered by an administrator appointed by the commissioner of the department of health and human services. The administrator shall be an employee of the department of health and human services and shall employ such staff as shall be necessary to fulfill the responsibilities and duties of the position of administrator.

415-E:3 Applicability. The plan authorized under this chapter shall be limited with regard to the number of individuals who shall be allowed to participate and the geographic areas within the state where it may be administered. All limitations shall remain in effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature at such time chooses to modify such limitations. No private rights of any kind shall vest in any individual as a result of enactment of this chapter.

415-E:4 Powers and Duties of Administrator.

I. The administrator shall:

(a) Design a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the basic health plan shall receive in return for premium payments to the plan. The schedule of services shall emphasize preventative and primary health care. In designing the benefit package, the administrator shall consider the recommendations of the commission on access to health care report issued in January, 1990, but shall not be required to implement such recommendations.

(b) Contract for an actuarial study of the benefit structure, which shall be completed before October 1, 1990.

(c) Based on the findings of the actuarial study, design the final benefits package and design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. Notwithstanding any other provision of the law, if, based on the actuarial study, benefits cannot be provided at the budgeted level, the benefits plan may be exempted from existing state mandates during the pilot period.

(d) Design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee use of health care services, but shall not be so costly to enrollees as to constitute a hindrance to necessary use of health care services.

(e) Adopt a schedule for orderly development of services and availability of the plan to residents of the state. In selecting any area of the state for initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks

such coverage, and the need for geographic, demographic, and economic diversity. Before January 1, 1991, the administrator shall endeavor to secure participation contracts with managed health care systems in 2 separate geographic areas in the state.

(f) Solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. In adopting rules applicable to managed health care systems and in dealing with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(g) Accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and minor dependent children, for enrollment in the basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually after application, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, and whose gross family income has risen above 200 percent of the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above 200 percent of the poverty level for 6 consecutive months by making payment at the unsubsidized rate required for the managed health care system in which such individual may be enrolled. No subsidy shall be paid with respect to any enrollee whose current gross family income exceeds 200 percent of the federal poverty level or, who is a recipient of Medicaid, Medicare or other comprehensive health insurance. The number of persons who qualify for subsidies may be limited to prevent overexpenditure of appropriations for such subsidies. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until he finds the situation no longer exists. The administrator shall consider the recommendations from the commission on access to health care report issued in January, 1990, but shall not be required to implement such recommendations. The administrator shall report his finding to the commissioner of the department of health and human services.

(h) Receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the managed health care systems.

(i) Determine the rate to be paid to each participating managed health care system in return for providing covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the population served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan account, and other factors the administrator finds relevant.

(j) Monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to quality basic health care, to require periodic data reports concerning the use of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating

managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner, to minimize duplication of effort.

(k) Monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

(l) Evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes to discourage the reduction of such coverage in the state.

(m) Develop a program of preventive health measures and integrate it into the plan wherever possible and consistent with this chapter.

(n) Identify and seek funding alternatives to general fund revenues for continuous funding of the plan.

II. The administrator may:

(a) Contract with third parties for services necessary to promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the administrator.

(b) Call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(c) Appoint such technical or advisory committees as necessary. The administrator shall appoint a standing technical advisory committee that shall be representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses.

(d) Apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

415-E:5 Rulemaking. The commissioner shall appoint an administrator, who shall adopt rules, pursuant to RSA 541-A and with the approval of the commissioner, necessary to carry out the purposes of this chapter.

I. Issuing a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served.

II. Reviewing responsive proposals and negotiating with respondents to the extent necessary to refine any proposals.

III. Selecting one or more systems to provide the covered services within a local area.

415-E:8 Enrollment of Applicants. On and after January 1, 1991, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The administrator shall limit the total enrollment of those eligible for subsidies in such a way that the total cost to the state does not exceed the amount of funds appropriated by the legislature to the plan for any fiscal year. The administrator shall closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

415-E:9 Notification to Eligible Individuals.

I. On and after January 1, 1991, the administrator shall take all necessary and appropriate steps to publicize and market the plan to persons potentially eligible for the plan residing in the local areas to be served by the plan.

II. The administrator shall notify any applicant for public assistance who resides in a local area served by the New Hampshire basic health plan and who is under 65 years of age of the availability of basic health care coverage to qualified individuals, unless the plan administrator has notified the department of a closure of enrollment in the area. The administrator shall supply basic health plan enrollment application forms to each appropriate office for the use of persons wishing to apply for enrollment in the plan.

3 New Paragraph: Appointment of Administrator. Amend RSA 126-A:4 by inserting after paragraph IV the following new paragraph:

V. The commissioner shall appoint an administrator who shall have the authority to administer and operate the health care access program under RSA 415-E. The administrator shall conduct or perform any act necessary to administer or operate the program, including, with the approval of the commissioner, the adoption of rules pursuant to RSA 541-A.

4 Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of health and human services for the purposes of this act. Of this sum, \$100,000 shall be used for plan administration and the actuarial study and \$900,000 shall be used as plan premiums. This appropriation is in addition to any other funds appropriated to the department of health and human services and shall not be offset by enrollee contributions or other outside sources of funds. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1990.

Amendment adopted.

Referred to Appropriations.

HB 690, relative to surplus funds and expenditures by candidates. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

MAJORITY: This bill is designed to prevent candidates from keeping, for personal use, any campaign funds in excess of \$500. Such campaign surplus funds must be declared as "surplus funds" and must be disbursed or officially retained as campaign funds for the subsequent election. Vote 6-5. Rep. Gary R. Gilmore for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority of the Committee feels that the bill requires further study to determine the fiscal impact on the Office of Secretary of State and the Office

of the Attorney General. Reps. Eunice M. Campbell, Carol H. Holden, Norman B. Lawrence, John J. McCarthy and Calvin Warburton for the Minority of Constitutional and Statutory Revision.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Surplus Funds. Amend RSA 664 by inserting after section 4-b the following new section:

664:4-c Surplus Funds.

I. The following individuals and political committees shall have campaign funds declared surplus funds by the secretary of state:

(a) An individual who accepts any contribution or makes any expenditure before he has filed his declaration of candidacy, established his candidacy by a primary petition or nominating petitions, or has been nominated by write-in votes at the primary, and who decides not to run for the office for which the funds were contributed and who has campaign funds remaining after the decision of noncandidacy which exceed \$500.

(b) A candidate for the office of governor, councilor, state senator, state representative, or for county office who has campaign funds remaining 10 days after the election which exceed \$500.

(c) A political committee organized to support a candidate in an election for the office of governor, councilor, state senator, state representative, or for county office which has campaign funds remaining 10 days after the election which exceed \$500.

II. An individual in paragraph I shall have 2 years after his campaign funds have been declared surplus funds to:

(a) Transfer them to a political committee of a political party;

(b) Retain them for use in the subsequent election in which he is a candidate within 2 years of the declaration of surplus funds; or

(c) Donate them to a scientific, technical, literary, educational, or other charitable or nonprofit organization which is made exempt from income taxation under the United States Internal Revenue Code.

III. A political committee in paragraph I shall have 2 years after campaign funds have been declared surplus funds to:

(a) Transfer them to a separate political committee of a political party;

(b) Retain them for use in the subsequent election within 2 years of the declaration of surplus funds; or

(c) Donate them to a scientific, technical, literary, educational, or other charitable or nonprofit organization which is made exempt from income taxation under the United States Internal Revenue Code.

IV. If an individual retains surplus funds for use in a subsequent election, the individual shall not use these surplus funds for the discretionary personal use and benefit, of himself or any of his family members, or for the personal use of any other individual or candidate.

V. If a political committee retains surplus funds for use in a subsequent election, the political committee shall not use these surplus funds for any other purpose. The political committee shall notify the secretary of state if it wishes to use any remaining surplus funds in a subsequent election.

VI. If an individual wishes to use any remaining surplus funds to run for any office in a subsequent election, he shall notify the secretary of state. If an individual

has not established his candidacy by the subsequent election's filing date through a declaration of intent, nomination papers, a declaration of candidacy, or primary petitions the individual shall have 60 days from that date to transfer or donate the surplus funds as provided in paragraph II.

VII. If an individual dies, the executor of the estate shall donate the surplus funds according to the provisions of paragraph II.

VIII. If an individual becomes incapacitated, the person who exercises his power of attorney shall donate the surplus funds according to the provisions of paragraph II.

IX. Expenses incurred in the disbursement of surplus funds may be deducted from the surplus funds prior to their disbursement.

X. The use of surplus funds under this section shall be subject to the reporting requirements for candidates under RSA 664:7, and shall be subject to the reporting requirements for political committees under RSA 664:6.

XI. All disbursed surplus funds shall be recorded with the secretary of state.

2 Power of Attorney General. Amend RSA 664:21, III to read as follows:

III. Nothing in this section shall be construed to limit the [power] *enforcement powers* of the attorney general [to issue a cease and desist order] under RSA 664:18.

3 New Paragraph; General Penalty for Violation of Election Laws. Amend RSA 664:21 by inserting after paragraph III the following new paragraph:

IV. In addition to being subject to the fine schedule listed in paragraph I, any person who violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that the following individuals shall have their remaining campaign funds which exceed \$500 declared surplus funds by the secretary of state:

(1) An individual who terminates his candidacy for a political office.

(2) A candidate who is not elected to the office for which he is a candidate.

(3) A candidate who is elected and who declines to accept the office to which he was elected.

(4) An elected officer who completes his term or who leaves his office for any reason.

The bill also provides that the campaign funds of political committees may also be declared surplus funds by the secretary of state.

"Surplus funds" can only be used for specific purposes.

The bill also amends the penalty provisions for violations of RSA 664.

Amendment adopted.

Ordered to third reading.

HB 1380-FN, relative to mandatory automobile insurance. REFER FOR INTERIM STUDY.

This bill, as written, might not be right for New Hampshire, but clearly needs to be addressed in some manner. The Committee felt with HB 130I, which would study passenger motor vehicle insurance markets in New Hampshire, interim study was in order and would be looked into at that time. Vote 12-1. Rep. Paul R. Dionne for Commerce, Small Business and Consumer Affairs.

Rep. Pelley moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study.

Rep. Fraser spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 119**NAYS 199****YEAS 119****BELKNAP**

Golden, Paul A.
Richardson, Lawrence
Ziegra, Alice S.

Maviglio, Steven R.
Rosen, Ralph J.

Pearson, Ralph W.
Salatiello, Thomas

CHESHIRE

Blacketor, Paul G.
LaMar, David M.
Pearson, Gertrude B.

Cole, Stacey W.
Matson, William R.
Sawyer, Alfred P.

Doucette, Richard F.
Metzger, Katherine H.
Spear, Susan

COOS

Merrill, Gerald
Woodburn, Jeffrey R.

Oleson, Otto H.

Therhault, Romeo J.

GRAFTON

Chambers, Mary P.
Nordgren, Sharon

Copenhaver, Marion L.
Townsend, Howard C.

Densmore, Edward D.
Weymouth, Philip H.

HILLSBOROUGH

Baldizar, Barbara J.
Cox, Gladys M.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Hanselman, Gregory L.
Jenkins, Mary
Klose, John F.
Leclerc, Charles J.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Reidy, Frank J.
Turgeon, Roland M.

Barry, Vivian
Culbert, Patrick
Desrosiers, William J.
Dube, Ellen C.
Ford, Nancy M.
Haettenschwiller, A. A.
Harlan, Susan N.
Johnson, Lionel W.
Lachut, Ervin R.
Lown, Elizabeth
Murphy, Robert E.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Tyree, Paul M.

Bourque, Ann J.
Daigle, Robert Arthur
Donovan, Francis X.
Dwyer, Patricia R.
Frank, Nancy G.
Hall, Betty B.
Jean, Romeo W.
King, John A.
Lawrence, Eva M.
Mason, Howard F.
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Prestipino, Bartolo V.
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Soldati, Jennifer

Barberia, Richard A.
Dunn, Miriam
Kidder, William F.
Trombly, Rick A.

Boucher, Laurent J.
Fillion, Paul R.
Shaw, Randall F.
Whittemore, James A.

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Cooke, Annette M.
Hollingworth, Beverly A.
MacDonald, Maurice B.
Popov, Elizabeth M.

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Marston, Robert E.
Musler, George T.
Spencer, Leo J.
Torr, Ralph W.
Young, John B.

Keans, Sandra Balomenos
McCann, William H., Jr.
O'Brien, John
Sullivan, Henry P.
Vincent, Francis C.

Lachance, Douglas
Merrill, Amanda
Pelley, Janet R.
Swope, Warren L.
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe

Domini, Irene C.

Harland, Jane A.

NAYS 199

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Vogler, Charles C.

Campbell, Richard H., Jr.
Rice, Thomas, Jr.

Hawkins, Robert S.
Turner, Robert H.

CARROLL

Chandler, Gene G.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Grodin, Richard A.
Laurent, John J.
Pratt, Irene A.

Barber, Robert E., Jr.
Eaton, Daniel Adams
Hill, Douglas E.
Morse, Jo-Ann T.
Young, David A.

Crutchley, Donald O.
Foster, Katherine Davis
Hunt, John B.
Perry, David M.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.

Guay, Lawrence J.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Dow, David
Larson, Nils H., Jr.
Shackett, Ralph E.
Wadsworth, Karen O.

Arnesen, Deborah L.
Brown, Channing T.
Driscoll, William J.
Rose, William B.
Stewart, Roger
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Scanlan, David M.
Teschner, Douglass P.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Brady, Carolyn L.
Drolet, Paul L.
Elliott, Larry G.
Foote, Herbert N., Sr.
Green, Scott E.
Hunter, Bruce F.
Kelley, Robert N.
Lefebvre, Roland J.
McDowell, James E.

Alukonis, David J.
Barry, Janet Gail
Cowenhoven, Garret P.
Dyer, Merton S.
Emerton, Lawrence
Gerow, Sezen M.
Holden, Carol H.
Jasper, Shawn N.
Knight, Alice Tirrell
Lozeau, DonnaLee
McNerney, Daniel P.

Amidon, Eleanor H.
Bowers, Dorothy C.
Domaingue, Jacquelyn
Dykstra, Leona
Fields, Dennis H.
Goulet, Maurice E.
Hultgren, David D.
Keefe, Edmund M.
Lawrence, Norman B.
McCann, Bonnie Lou
McRae, Karen

Messier, Irene M.
Packard, Bonnie B.
Pepino, Leo P.
Record, Alice Barnard
Sallada, Roland A.
Stiles, Walter A.
Vanderlosk, Stanley R.
Wright, George W.

Morrisette, Roland
Pappas, Toni
Perham, Lester R.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Wheeler, David K.
Young, Willard N.

Ouellette, Robert O.
Paquette, Rodolphe G.
Provost, Gilles R.
Riley, Frances L.
Steiner, Lee Anne
Upton, Barbara Allen
Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
Braiterman, Thea
Fraser, Leo W., Jr.
Hill, Michael
Johnson, C. William
Nichols, Avis B.
Smith, Gerald R.

Beaton, Nancy
Daneault, Gabriel
Gilbreth, Robert M.
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Stio, Peter M.

Bennett, J. Allen
Fair, Patricia A.
Hayes, Robert C.
Jacobson, Alf E.
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert

ROCKINGHAM

Benton, Richardson D.
Campbell, Eunice M.
Chase, Lawrence A., Jr.
Flanagan, Natalie S.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoar, John, Jr.
Katsakiores, Phyllis
Lovejoy, Virginia K.
Malcolm, Kenneth W.
McKinney, Betsy
Raynowska, Bernard J.
Senter, Marilyn P.
Sochalski, Matthew M.
Sytek, Donna
Warburton, Calvin
Wells, Henry E.

Boucher, William Paul
Campbell, Marilyn R.
Conroy, Janet M.
Flanders, John W., Sr.
Gage, Beverly A.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
King, Roger C.
MacDonald, Joseph A.
McCain, William F.
Parr, Ednapearl F.
Ritzo, Eugene
Sherburne, John L.
Splaine, John E., Sr.
Tufts, J. Arthur
Weddle, Michael Rodney
Wright, David B.

Brown, Lewis W.
Caswell, Albert, Jr.
Dube, LeRoy S.
Ford, Bert H.
Gage, Thomas U.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McCarthy, John James, Jr.
Parsons, Robert F.
Roulston, Donald L.
Skinner, Patricia M.
Stachowske, Vicki
Vartanian, Elsie
Welch, David A.

STRAFFORD

Bernard, Mary E.
Kinney, Paula J.
Scharff, Thomas Edward

Bickford, Drucilla
Martling, W. Kent
Stewart, Glenn W.

Foss, Patricia H.
Parks, Joe B.
Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

The substitute motion lost.

Rep. Gross abstained from voting under Rule 16.

Report adopted.

HB 1067-FN, providing for a statewide advisory referendum. REFER FOR INTERIM STUDY.

The Committee felt that the bill had merit and wanted an opportunity to study its ramifications. Vote 9-1. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Report adopted.

HB 1005-FN, relative to the Chester, Fremont, and Epping school districts. INEXPEDIENT TO LEGISLATE.

The majority of the Education Committee believes that the State Board of Education provides the proper forum for redistricting SAUs (School Administration Unit). The towns of Chester and Fremont have had the opportunity to appeal to the State Board to form their own SAU, and having been denied, the towns should make efforts to meet the criteria set by the Board to accomplish their goal. The Committee recognizes that the use of the weighted vote has been the cause of some conflict within SAU 14, and it is working on legislation that will hopefully improve that situation. Vote 11-5. Rep. Nancy C. Beaton for Education.

Rep. Benton moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and withdrew his motion.

Rep. Beaton spoke in favor of the committee report.

Resolution adopted.

HB 1091-FN, changing the weighted factors in the foundation aid formula. INEXPEDIENT TO LEGISLATE.

Although there is merit to evaluating and possibly changing the weighted factors in the Foundation Aid Formula, the majority of the Committee feels that in the survey done by the Department of Education, the responses from eight districts were a random survey only. Since this could have a strong fiscal impact on local school district budgets, more districts should be surveyed prior to implementing this change. Vote 11-7. Rep. Kathleen M. Hoelzel for Education.

Resolution adopted.

HB 1175-FN, granting school districts an option to implement an education voucher program. OUGHT TO PASS WITH AMENDMENT.

House Bill 1175 is the CHOICE in education bills. The Committee has decided to use this in order to study various choices in education. The amendment establishes a joint House and Senate study committee to accomplish this. The amendment totally rewrites the bill and establishes this committee. Vote 16-1. Rep. Douglas A. Lachance for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study choice in education.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties. There is established a legislative study committee to examine choice in education. The duties of the committee shall be:

I. To examine different educational choice programs, including an educational voucher program for public and nondenominational private schools.

II. To study the effects such options may have on the educational system in the state of New Hampshire, both public and private.

2 Membership. The membership of the committee shall be:

I. Four members of the house of representatives, appointed by the speaker of the house.

II. Three members of the senate, appointed by the president of the senate.

3 Meetings; Chair. The first meeting shall be called by the first named house member within 30 days of the effective date of this act. Said house member shall chair the committee.

4 Report. The committee shall make a report of its findings, including any proposed legislation, to the speaker of the house, the president of the senate, and the chairs of the house and senate education committees, on or before January 1, 1991.

5 Proposed Legislation. Notwithstanding the provisions of the joint rules of the house and senate, legislation prepared pursuant to section 4 of this act shall be permitted to be introduced as a bill into the 1991 regular session of the general court.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill establishes a committee to examine choice in education.

Amendment adopted.

Ordered to third reading.

HB 1283-FN, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1283 is a technical change in RSA 188-D:13 dealing with the Postsecondary Education Commission excluding the value of New Hampshire College Savings Bonds from a student's financial resources when determining need for an incentive program. The College Savings Bond Program is expected to issue the first New Hampshire College Savings Bonds for public sale in late Fall 1990. It is necessary that this incentive be in place for the marketing. The exclusionary provision will only be in effect in those years when state appropriations to the incentive grant program equal or exceed the \$4 million mark. The amendment takes care of the original fiscal note on this bill and therefore is not necessary. Vote 16-1. Rep. Kathleen M. Hoelzel for Education

Amendment

Amend the bill by replacing section 1 with the following:

1 Savings Bond Value Excluded. Amend RSA 188-D:13, III to read as follows:

III. No grant shall be made which does not include a self-help requirement by the recipient. Self-help may be in the form of either work or loans and demonstrated need shall be defined as the applicant's cost of education minus available resources and the self-help factor determined under the rules and regulations set by the postsecondary education commission. *Except as prohibited by federal law or regulations, determination of a recipient's available financial resources shall exclude the value of any New Hampshire college savings bond issued pursuant to RSA 6-A and 195-G held in the individual's name or for the benefit of the individual. Such exclusion shall apply only in those years in which the state appropriation to the New Hampshire incentive program equals or exceeds \$4,000,000.* No grant shall be in excess of the tuition charged the student for the academic year in which the grant is received nor

when combined with the mandated self-help contribution of the student will exceed the cost of education at the eligible postsecondary institution for that year.

AMENDED ANALYSIS

This bill authorizes the New Hampshire postsecondary education commission to exclude the value of any New Hampshire college savings bond held in a student's name or for the benefit of a student from the determination of the student's eligibility and need for a New Hampshire incentive grant award. Such exclusion applies only in those years in which state funding of the New Hampshire incentive program equals or exceeds \$4,000,000.

Amendment adopted.

Ordered to third reading.

HB 1437-FN, placing New Hampshire public elementary and secondary schools under state administration and control. REFER FOR INTERIM STUDY.

The majority of the Committee feels that the time has come to study the educational system, its administration and efficiency. As educational costs continue to rise, it is important that the mandates, process and responsibility for education undergo a determination of their efficacy and future. Although this bill contains some very significant educational changes, it should provide a vehicle for a complete study of the educational process without adopting all of its ideas. Vote 14-2. Rep. Douglas A. Lachance for Education.

Report adopted.

HB 1147-FN, establishing a committee to study the closure of existing landfills. INEXPEDIENT TO LEGISLATE.

The Solid Waste Study Committee under Chapter 227, III, (f), has been assigned to study "equitable means to raise revenues." The Committee felt this was a duplication of effort. Vote 16-2. Rep. Elizabeth S. Millard for Environment and Agriculture.

Rep. Shirley Bennett spoke to the report.

Resolution adopted.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services. OUGHT TO PASS.

This revolving fund will assure municipalities are well-trained to handle environmental issues and rules for which they are responsible. Also, it will allow the Department of Environmental Services to maintain economies of scale and home rule through well-trained local and regional officials. Vote 15-1. Rep. A. Gibb Dodge for Environment and Agriculture.

Report adopted.

Referred to Appropriations.

HB 1337-FN, relative to methane recovery. INEXPEDIENT TO LEGISLATE.

At this time, the Committee feels HB 1337 is premature. It restricts liability of those recovering and processing methane gas at waste sites. To date, there is no problem although one may come in the near future. Vote 13-2. Rep. Elizabeth S. Millard for Environment and Agriculture.

Resolution adopted.

HB 1357, relative to the rulemaking authority of the commissioner of environmental services. OUGHT TO PASS.

This bill puts rulemaking at the Department of Environmental Services in line with other agencies. It also confirms the Attorney General's opinion that rulemaking cur-

rently exists with the Commissioner. Vote 14-1. Rep. Elizabeth S. Millard for Environment and Agriculture.

Ordered to third reading.

HB 1388-FN, relative to the imposition of activity fees by the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

The Committee is distressed that the Department of Environmental Services is not funded to the extent that it can adequately perform its legislative mandates. Giving broad authority to set fees, which could have significant impact on business and communities, is not the solution to this problem. While fees should, to the greatest extent possible, help defray costs there is a clear responsibility for taxpayers to fund state government. Vote 14-4. Rep. Rick A. Trombly for Environment and Agriculture.

Resolution adopted.

HB 1045-FN, to provide rulemaking notice to municipalities and legislators. **REFER FOR INTERIM STUDY.**

A number of substantive questions are raised by this bill, primarily how to communicate notification of pending rules issued by the various state agencies to municipalities. There are problems for the cities and towns affected by rules, and for the agencies proposing the rules. The Committee feels that further study will produce acceptable solutions. Vote 16-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

Report adopted.

HB 1166-FN-A, creating an office of employee assistance and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Because of the state's fiscal crisis, the Committee does not recommend passage of this bill at this time, but it unanimously and definitely recommends continuing the Employees Assistance Program in its present form and funding level. The Committee will be in communication with the commissioners of the presently participating agencies and the Governor's Office, urging them to maintain their present funding and participation in this excellent, cost-effective program. Vote 11-5. Rep. Beverly A. Gage for Executive Departments and Administration.

Resolution adopted.

HB 1229-FN, relative to organizational and personnel changes within the department of corrections. **OUGHT TO PASS WITH AMENDMENT.**

This bill names the prison for women at Grasmere, the New Hampshire State Prison for Women. HB 1229 also transfers a classified position to an unclassified position, Group M. This unclassified position will be for the Warden of the New Hampshire State Prison for Women. The bill also repeals two RSA sections regarding female prisoners which are duplicated in other laws. Vote 14-1. Rep. John A. King for Executive Departments and Administration.

Amendment

Proposed by the Committee on Executive Departments and Administration

Amend the bill by deleting section 1, and renumbering sections 2-6 to read as 1, 2, 3, 4, and 5 respectively.

Amend the bill by replacing section 2 with the following:

2 New Unclassified Position. Amend RSA 94:1-a, I by inserting in group M the following: warden, New Hampshire state prison for women.

AMENDED ANALYSIS

The bill names the prison for women at Grasmere the New Hampshire state prison for women. It transfers a classified position to the unclassified position of warden of the New Hampshire state prison for women, group M.

The bill repeals 2 RSA sections regarding female prisoners which are duplicated in other laws.

This bill was requested by the department of corrections.

Amendment adopted.

Referred to Appropriations.

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor. **OUGHT TO PASS.**

This bill creates an unclassified position of actuary within the New Hampshire Insurance Department at salary Group P. This position was frozen out about a year and a half ago. Since then, the actuarial work has been provided by hiring consultants. The new position would result in less cost, more availability and more timely results. HB 1331 also increases the Deputy Commissioner position salary from Group N to Group P, position now vacant. All Insurance Department positions, including the above two, are funded by insurance companies doing business in New Hampshire; no General Fund money. A representative for the insurance companies involved spoke in favor of HB 1331. Vote 9-5. Rep. John A. King for Executive Departments and Administration.

Report adopted.

Referred to Appropriations.

HB 1382-FN-A, relative to retirement compensation for judges and making an appropriation for an actuarial study of certain judges. **OUGHT TO PASS WITH AMENDMENT.**

As amended, this bill provides that judges coming into service after June 30, 1991 will not be entitled to the judges' retirement benefits under present law. The Judicial Vesting and Retirement Committee is extended for another year, and given the added responsibility of coming up with a suitable retirement plan for future judges. Present judges would be given the opportunity of buying-in certain vested rights if they are willing to pay for an actuarial determination of the cost and then to contribute a percentage of salary based on that cost, as approved by the Fiscal Committee. The amendment removes a provision of the original bill that would have put future judges in group I, and also, by requiring present judges to pay for their own actuarial studies, deletes the \$50,000 that was to have been appropriated for the study. Vote 13-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Supreme Court Justices; Contributions to Retirement. Amend RSA 490:2, VI to read as follows:

VI. This section shall apply to justices appointed, confirmed and serving on or before June 30, 1991. A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is

authorized to draw his warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

2 Superior Court Justices; Retirement Contributions. Amend RSA 491:2, VI to read as follows:

VI. *This section shall apply to justices appointed, confirmed and serving on or before June 30, 1991.* A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw his warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

3 New Section; Vesting of Rights in Judicial Retirement Compensation. Amend RSA 491-A by inserting after section 4 the following new section:

491-A:5 Vesting of Retirement Compensation.

I. Rights of retirement compensation at or subsequent to attaining the age of 65 years vest upon completion of the following designated years of full-time judicial service at the percentiles specified:

(a) Ten years of service shall vest 33-1/3 percent of the annual salary paid at the time of resignation.

(b) Fifteen years of service shall vest 50 percent of the annual salary paid at the time of resignation.

(c) Twenty years of service shall vest 75 percent of the annual salary paid at the time of resignation.

II. A justice whose rights have vested under paragraph I and who thereafter resigns from the judiciary shall receive compensation at the percentile specified in paragraph I upon attaining age 65. If any such justice is survived by any persons described in RSA 490:2, III; 491:2, III; or 502-A:6-a, IV, such survivor shall be eligible to receive the benefit specified in such section; except that the benefit paid to a survivor shall be reduced by the same proportion by which the deceased justice's benefits would have been reduced under subparagraph I(a) or (b), if either subparagraph would have been applicable to such justice. No benefit shall be payable under this paragraph before the date upon which such deceased justice would have reached the age of 65 years if he had lived.

III. This section shall apply only to justices appointed, confirmed and serving on or before June 30, 1991, who have elected to contribute to vested judicial retirement in addition to retirement benefits for which the justice qualifies under RSA 490:2, 491:2, or 502-A:6-a. Justices shall be required to contribute to a special fund, to be known as the judicial retirement fund, an amount which has been determined will pay 1/2 of the benefits or compensation pursuant to this section, under terms established by the judicial vesting and retirement committee.

4 District Court Justices; Retirement Contributions. Amend RSA 502-A:6-a, VI to read as follows:

VI. *This section shall apply to justices appointed, confirmed and serving on or before June 30, 1991.* A sum sufficient to pay any and all benefits or compensation pursuant to this section is hereby continually appropriated therefor. The governor is authorized to draw his warrant for the payment thereof out of any funds in the treasury not otherwise appropriated.

5 Judicial Vesting and Retirement Committee. Amend 1989, 372:1 to read as follows:

372:1 Judicial Vesting and Retirement Committee.

I. There is created a [5] 7-member committee consisting of the following: [2] 3 representatives appointed by the speaker of the house, [2] 3 senators appointed by the president of the senate, and the chief justice of the supreme court or his designee. This committee shall study the feasibility of and funding for justices of the supreme and superior courts, justices of the district court prohibited from practice under RSA 502-A:21, and probate judges prohibited from practice under RSA 547:2-a in relation to (1) vesting rights in judicial retirement, [and] (2) the contribution of a certain percentage of their salaries towards retirement, *and (3) a defined-contribution retirement plan for justices appointed, confirmed or entering service after June 30, 1991.* The committee shall report its findings and recommendations to the fiscal committee on or before October 1, [1989] 1990, and shall file a copy of the report with the senate president, the speaker of the house and the office of the chief justice of the supreme court.

II. *The committee shall contract, with the advice of the board of trustees of the New Hampshire retirement system and the legislative budget assistant, for actuarial studies on each supreme court justice, superior court justice, justice of the district court prohibited from practice under RSA 502-A:21, and probate judge prohibited from practice under RSA 547:2-a, who was appointed, confirmed, and serving on or before June 30, 1991, and who requests such actuarial study to determine what percentage of his salary should be contributed to retirement, should he elect to contribute to vested judicial retirement compensation. The cost of such actuarial study shall be paid by the justice requesting it. The report by the actuary may contain a range of possible state-judicial contributions to vested judicial retirement compensation, but shall not obligate the state to pay more than 1/2 of the cost. The judicial vesting and retirement committee shall, on the basis of the actuarial report, make a recommendation to the fiscal committee as to the rate each judge who has requested such actuarial study should pay, retroactively and currently, in order to obtain vested judicial retirement compensation. Upon adoption of such rates by the fiscal committee, the legislative budget assistant shall send a letter to each affected judge, along with his personal actuarial study, outlining his option to contribute toward vested judicial retirement compensation. Any judge who elects to contribute to vested judicial retirement compensation shall make any retroactive payment required within one year of election.*

6 Appropriation; Judicial Vesting and Retirement Committee. The sum of \$1 is appropriated to the judicial vesting and retirement committee for the fiscal year ending June 30, 1991, for administrative costs incident to making the actuarial study provided by section 5 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that the current provisions for retirement contributions and retirement compensation for judges shall remain in effect for judges who are appointed and confirmed before July 1, 1991. These judges will retain their present retirement benefits and may, in addition, choose to make retirement contributions toward vested judicial retirement compensation. Retired judges and judges who retire before July 1, 1991, are unaffected by this bill.

The judicial vesting and retirement committee established in the 1989 legislative session is continued by this bill. The committee is assigned the duty, with the advice

of the legislative budget assistant and the board of trustees of the New Hampshire retirement system, of contracting for an actuarial study of all judges appointed prior to June 30, 1991, to determine the contributions required of each judge who chooses the vested judicial retirement compensation option. The committee is also required to study a defined-contribution retirement plan for justices appointed, confirmed, or entering service after June 30, 1991. An appropriation of \$1 is made to the committee for the administrative costs of this actuarial study. Additional actuarial studies dealing with vested judicial retirement compensation are to be paid by the justices requesting them.

Amendment adopted.

Referred to Appropriations.

HB 1049-FN, relative to fishing licenses for non-institutionalized developmentally disabled persons. OUGHT TO PASS WITH AMENDMENT.

The bill deals with the broadening of the Institutional Permit Program. The amendment adds the provision of RSA 541-A (Administrative Rules) to require the Executive Director to pin down what could be a flaw in the process. A good bill made better with the amendment! Vote 17-0. Rep. William P. Boucher for Fish and Game.

Amendment

Amend RSA 214:14-f as inserted by section 1 of the bill by replacing it with the following:

214:14-f Non-institutionalized Disabled Persons. A person with a developmental disability, as defined by RSA 171-A:2, V, who is not institutionalized and has not been institutionalized, but is residing with a parent, relative, guardian, or in a foster home may fish without a license on a special permit issued by the executive director of the department of fish and game to the parent, relative, foster home provider or guardian for said disabled person. The disabled person shall be accompanied by the person to whom the permit was issued or his designee. The executive director of the department of fish and game shall keep records of the permits issued pursuant to this section, make an annual report to the commission, and adopt rules, pursuant to RSA 541-A, relative to this special permit.

AMENDED ANALYSIS

This bill authorizes a fishing permit for developmentally disabled persons who are not and have not been institutionalized, but are living with a parent, relative, guardian or foster home provider.

The disabled person is to be accompanied by the parent, relative, guardian or designee when engaged in fishing.

The executive director is required to adopt rules, in accordance with RSA 541-A, relative to permit issuance.

Amendment adopted.

Ordered to third reading.

HB 1099, relative to controlled drugs and pharmacy licensing. OUGHT TO PASS WITH AMENDMENT.

This bill eliminates the licensing requirements for professional associations and corporations engaged in the practice of medicine to possess and dispense controlled drugs, establishes federally-approved methods for disposal of used hypodermic needles and syringes, and requires medical personnel to conduct biennial controlled substance inventories. The amendment makes it unlawful for a person to possess or

attempt to possess a controlled drug by misrepresentation, fraud, forgery, deception or subterfuge, or to consult numerous practitioners to obtain additional prescriptions for a controlled drug. Vote 13-0. Rep. Joseph A. MacDonald for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3, 4, 5, respectively:

2 New Paragraph; Fraudulent Acquisition of Controlled Drugs. Amend RSA 318-B:2 by inserting after paragraph XII the following new paragraph:

XII-a. It shall be unlawful for any person to knowingly acquire, obtain possession of or attempt to acquire or obtain possession of a controlled drug by misrepresentation, fraud, forgery, deception or subterfuge. This prohibition includes the situation in which a person independently consults 2 or more practitioners for treatment of the same ailment solely to obtain additional controlled drugs or prescriptions for controlled drugs.

AMENDED ANALYSIS

This bill eliminates the licensing requirement for professional associations and corporations engaged in the practice of medicine to possess and dispense controlled drugs.

The bill establishes federally-approved methods for the disposal of used hypodermic needles and syringes.

The bill also requires medical personnel and facilities to conduct biennial controlled substance inventories.

The bill makes it unlawful for a person to possess or attempt to possess a controlled drug by misrepresentation, fraud, forgery, deception or subterfuge, or to consult numerous practitioners to obtain additional prescriptions for a controlled drug.

Amendment adopted.

Ordered to third reading.

HB 1101-FN, relative to welfare costs paid by the county to the state of New Hampshire. OUGHT TO PASS.

This bill would make future county payments for mandated state programs stable in the future by freezing the dollar amounts paid by counties at FY 1990 rates, thereby providing a stable environment for county government. The state controls all aspects of these programs, leaving the county with no say in policy or administration. HB 1101 is in the best interest of the county taxpayer, because it establishes a more equitable share of the burden of Old Age Assistance, Aid to the Permanently and Totally Disabled, Medicaid ICF and medical assistance. The fiscal impact indicates the bill will decrease state revenues and county expenditures by \$4,112,988 in FY 1991. Vote 15-0. Rep. Toni Pappas for Health, Human Services and Elderly Affairs.

Report adopted.

Referred to Appropriations.

HB 1114-FN-A, relative to elderly non-institutionalized care and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill addresses one of the most expensive programs funded by this state: Long-Term Care of the Elderly. Presently, nursing homes are the state's long-term care solution. Medicaid nursing home expenditures went up from \$13,000,000 in FY 1975 to \$105,000,000 currently. Forecasts show costs of more than \$200,000,000 in

FY 2000 and more than \$400,000,000 in FY 2010 (in 1990 dollars). Counties pay more than 30 percent of this. The bill addresses the problem in two ways. First, it sets up a three-year study to: 1) determine accurately what the present nursing home solution will cost us; and 2) determine possible alternatives and what they would cost. Second, it addresses the cut made last Session in the Meals and Wheels Program. A cut of 99,000 meals was made in order to cover higher food costs of 30 cents per meal. This bill makes an appropriation to restore 38,000 of those meals and to cover another 5 percent food cost increase. The Committee has three reasons for this recommendation: 1) half the recipients are more than 80 years old, more than three out of five have incomes under \$600 a month and seven out of 10 live alone; 2) without this program they may be forced into nursing homes on Medicaid; and 3) Meals on Wheels at less than \$2,000 annually is much more economical than nursing homes at \$25,000 annually. Vote 12-2. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the care of the elderly
and making an appropriation for meals on wheels.

Amend the bill by replacing all after the enacting clause with the following:

I Statement of Purpose.

I. The general court hereby finds the following:

(a) That home-based services enable many elderly, who otherwise would be unable to fully care for themselves, to continue to live in their own homes instead of expensive institutions.

(b) That the quality of life of elderly people is high if they are able to remain in their own homes.

(c) That home-based services are very cost effective when compared to the high cost of institutionalized care.

(d) That elderly care is a continuum beginning with minimum services continuing through institutionalization and hospital care.

(e) That if the continuum is broken, the potential for institutionalization is immediate.

(f) That 7 out of 10 elderly persons entering an institution quickly exhaust their resources and become totally dependent on Medicaid.

(g) That any delay of entry into an institution dramatically reduces the cost of long-term care.

(h) That 2 of the most important services to elderly people are meals on wheels and transportation, and the lack of such services make it impossible for even the elderly with minimal disabilities to remain at home.

Therefore, although it appears to the general court that home-based services for the elderly are desirable and economical, a study is necessary to determine the actual facts regarding the care of the elderly.

2 Committee Established; Duties. There is a committee established to study the current state-funded programs for care of the elderly, any new or alternative programs which could better serve the elderly and the estimated costs of programs for care of the elderly for the years 2000 and 2010. Other areas of study shall include, but not be limited to, the following:

- I. Future costs of current programs.
- II. The current and future effectiveness of current programs in meeting the needs of the elderly.
- III. Legislation and laws of other states.
- IV. Future issues relating to the care of the elderly.
- V. Demographics.
- VI. Possible future problems with current programs.
- VII. Options and alternative approaches together with estimated costs.
- VIII. Available public and private resources to be used in the care of the elderly.
- IX. The effect and costs of home-based care.

3 Membership; Chairman; Staff.

- I. The membership of the committee shall be:
 - (a) The chairman of the joint legislative committee on elderly affairs.
 - (b) One member of the house health, human services and elderly affairs committee and one member of the house appropriations committee, appointed by the speaker of the house.
 - (c) One member from the senate finance committee and one member from the public institutions, health and human services committee, appointed by the president of the senate.
 - (d) One member of the governor's staff, appointed by the governor.
 - (e) Two persons from the department of health and human services, at least one of whom shall be from the division of elderly and adult services, appointed by the commissioner.
 - (f) Two public members, who shall be experienced in elderly care problems, appointed by the governor.
 - (g) One person from the state committee on aging, appointed by the chairman of the committee.
 - (h) One person from the New Hampshire Medical Society, appointed by the president of the society.
 - (i) One person from the New Hampshire Home Health Care Association, appointed by the executive director of the association.
 - (j) One person from the New Hampshire Health Care Associates, appointed by its president.
 - (k) One member of the sociology faculty at the University of New Hampshire, who has conducted research in the area of elderly long-term care, appointed by the chairperson of the sociology department.

II. The chairman of the joint legislative committee on elderly affairs shall call the first meeting of the committee which shall be no later than 30 days after the effective date of this act. The chairman of the committee shall be chosen by the members at the first meeting.

III. The department of health and human services shall provide any administrative support the committee deems necessary.

4 Reports. The committee shall make semi-annual reports, with the final report due on December 1, 1992, to the governor, the speaker of the house, the president of the senate and the commissioner of the department of health and human services. The reports shall include its findings and any recommendations for legislative action the committee deems desirable.

5 Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

6 Appropriation. The sum of \$349,999, to be used for the purpose of PAU 05, 01, 06, 03, 01, class 93, of which \$173,549 shall be for reimbursement for a 5 percent increase in the cost of meals, \$126,450 shall be for restoration of 38,318 meals and \$50,000 shall be for transportation, for the biennium ending June 30, 1991, is hereby appropriated to the division of elderly and adult services, department of health and human services. This appropriation shall be in addition to any other sums appropriated to the division for these purposes and shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury no otherwise appropriated.

7 Effective Date.

I. Sections 2-5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the issue of care of the elderly. The bill requires the committee to submit semi-annual reports, with the final report due on December 1, 1992, to the governor, the speaker of the house, the president of the senate and the commissioner of health and human services.

The bill also makes an appropriation to the division for the purpose of increasing the amount available for meals on wheels for the elderly.

Amendment adopted.

Referred to Appropriations.

HB 1298-FN-A, establishing a committee to study the legalization of drugs and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

After considerable debate by the Committee on the pros and cons of HB 1298, it was voted Inexpedient to Legislate. A majority of the Committee felt that establishing a committee to study the benefits of legalizing illegal drugs was not a productive measure in the overall battle against drug abuse. Vote 15-2. Rep. Lawrence A. Chase for Health, Human Services and Elderly Affairs.

Rep. Weddle moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Lawrence Chase spoke against the motion.

Substitute motion lost.

Resolution adopted.

HB 1306-FN, relative to the procedures of the certificate of need board. **REFER FOR INTERIM STUDY.**

House Bill 1306 relates to the Certificate of Need Board procedures and health facilities guidelines. After lengthy debate, it was the majority vote of the Committee that the bill as submitted needs further study and review. Vote 11-5. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

Report adopted.

HB 1325-FN, relative to eligibility under the aid to the permanently and totally disabled program. **OUGHT TO PASS.**

This bill changes the time requirement under the Aid to Permanently and Totally Disabled from permanent to 24 months. The purpose of this bill is to set a definite

standard to determine disability. A definite standard will give doctors and the applicants a clear indication of what medical evidence must be presented to prove disability and also improve decision making by the Division. It will also reduce administrative delays and appeals. The fiscal note, based on a cross-check with the Social Security Administration, gives a worst-case scenario on the number of new cases. The Division expects that the real fiscal impact will be significantly less, because most persons eligible for assistance, based on the new standard, are probably receiving assistance now. Vote 15-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Report adopted.

Referred to Appropriations.

HB 1349-FN-A, relative to increasing provider participation in the medicaid program and medicaid coverage of pre-natal services and making appropriations therefor. **ought to pass with amendment.**

This bill seeks to increase the availability of maternal, child health and dental services to pregnant women and children who receive Medicaid. It will encourage providers of maternal, child health and dental services to participate in the Medicaid program by: 1) increasing reimbursement rates to at least cover costs; 2) improving claims processing procedures; and 3) implementing a program of organized provider recruitment. The Fiscal Note calls for state expenditures of \$800,000 in FY91. Vote 16-2. Rep. Stephanie K. Micklon for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to increasing provider participation in the Medicaid program
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that in recent years increasing numbers of primary care physicians, dentists and some specialists in New Hampshire are refusing to treat Medicaid patients or are reducing the number of patients they will see. The problem of low provider participation in the Medicaid program is most severe, and the consequences most distressing, for pregnant women and children. Significant numbers of Medicaid eligible pregnant women and children in New Hampshire have gone without needed prenatal, pediatric and dental services because they could not find a provider who would accept Medicaid. Therefore, the general court hereby seeks to increase maternity and child health provider participation in Medicaid by instituting the following measures.

2 New Section; Rulemaking; Medical Assistance Program. Amend RSA 167 by inserting after section 3-c the following new section:

167:3-d Rulemaking; Medical Assistance Program. In addition to the rules adopted under RSA 167:3-c, the director of the division of human services shall adopt rules under RSA 541-A relative to:

I. Adopting a methodology for setting reimbursement rates under the medical assistance program for maternal, child health and dental services according to which the fee schedule is recalculated on an annual basis and is indexed to some measure of the actual value of the services. This methodology may employ the Medicare customary, prevailing and reasonable charge methodology, a relative value scale, or any

method which is designed to result in a fee schedule which bears a reasonable relationship to the actual value of the services provided and which, at a minimum, is not less than the cost of providing such services. In addition, the fee schedule shall be set at a level which is sufficient to enlist enough providers so that care and services are available under the medical assistance program at least to the extent that such care and services are available to the general population in the geographic area. Prior to setting the fee schedule each year, the office of medical services shall consider the recommendations of the bureau of maternal and child health, all agencies that the state contracts with for the provision of maternal and child health services, and the New Hampshire Medical Society.

II. Encouraging greater participation in the Child Health Assurance Program (CHAP) by increasing the fee schedule for all CHAP services significantly above the level required in paragraph I and by simplifying the CHAP billing form.

III. Allowing well child clinics to bill Medicaid for the full range of services they provide to medicaid children, rather than limiting them to the yearly limit for CHAP reimbursements.

IV. Developing separate and simplified Medicaid application forms and verification procedures for pregnant women and children ages 0-6 years.

V. Streamlining and simplifying, to the extent permitted by federal law, the claims processing procedures and eliminating or reducing to a minimum payment delays and billing errors.

VI. Implementing a program of organized provider recruitment.

VII. Improving data collection in order to allow more accurate monitoring of provider participation according to Medicaid eligibility group, provider specialization and geographic location of both provider and Medicaid recipient. The office of medical services shall present a summary of such data annually to the oversight committee on health and welfare, established in RSA 126-A:8, together with an analysis of the probable causes of any provider participation problems that have been identified.

3 Appropriation. The sum of \$800,000 for the biennium ending June 30, 1991, is hereby appropriated to the division of human services, department of health and human services for the purpose of section 2 of this act. This appropriation is in addition to any other funds appropriated to the division. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill addresses the problem of low provider participation in the medical assistance program. The bill seeks to increase provider participation for maternal, child health and dental services by reforming the method of setting reimbursement rates and by improving program billing and payment procedures.

The bill makes an appropriation for its purposes.

The bill grants rulemaking authority to the director of the division of human services to carry out the purposes of the bill.

Amendment adopted.

Referred to Appropriations.

HB 1076-FN, relative to administrative forfeiture. **INEXPEDIENT TO LEGISLATE.**

This bill would have added another category to the Administrative Forfeiture statute. That statute allows for administrative forfeiture of certain items without a court

conviction. The majority of the Committee found it unnecessary to add yet another category to this statute. Vote 14-3. Rep Donnalee M. Lozeau for Judiciary.

Resolution adopted.

HB 1409-FN, relative to workers' compensation. **OUGHT TO PASS WITH AMENDMENT.**

The Committee amended HB 1409 while still remaining within the original intent of the Governor's Workers' Compensation Task Force Report. This bill does not reduce the insured employees benefits while allowing for the employee to have access to an independent appeals process. This bill does allow for a more timely appeal and provides for a just outcome. The bill allows the Labor Commissioner to more efficiently work with the employee, the employer and insurers for the benefit of a more cost-effective system of compensation. After an extensive hearings process, the Committee unanimously recommends Ought to Pass With Amendment. Vote 16-0. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to workers' compensation and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Division of Workers' Compensation; Bureaus Established. Amend RSA 273 by inserting after section 4 the following new sections:

273:4-a Division of Workers' Compensation.

I. There is hereby established within the department of labor the division of workers' compensation under the supervision of a classified director of workers' compensation who shall be under the direction of the commissioner. The director shall perform such duties as are assigned by the commissioner.

II. The division shall conduct annual reviews of the job description of its employees and the qualifications for such descriptions to assure that the job descriptions are followed and the qualifications are met.

273:4-b Internal Organization. The division of workers' compensation shall include the following internal organization units:

I. The bureau of rehabilitation management coordination.

II. The bureau of case dispute resolution coordination.

III. The bureau of hearing officers.

IV. The bureau of statistical analysis and audit.

2 New Paragraphs; Definitions Added. Amend RSA 281-A:2 by inserting after paragraph I the following new paragraphs:

I-a. "After tax earnings" means the gross earnings of the employee determined under this section, reduced by the amount which would have been paid under the Federal Insurance Contribution Act, 26 U.S.C. S3101-3126 and income tax withholding, calculated on an annual basis using as the number of exemptions the disabled employee and dependents, without excess itemized deductions.

I-b. "Board" means the compensation appeals board established in RSA 281-A:42-a.

3 New Paragraph; Definition Added. Amend RSA 281-A:2 by inserting after paragraph IV the following new paragraph:

IV-a. "Date of maximum medical improvement" means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated, based upon reasonable medical probability.

4 Definition of Injury. Amend RSA 281-A:2, XI to read as follows:

XI. "Injury" or "personal injury" as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment, or any occupational disease or resulting death arising out of and in the course of employment, including disability due to radioactive properties or substances or exposure to ionizing radiation. *"Injury" or "personal injury" shall not include diseases or death resulting from stress without physical manifestation. No compensation shall be allowed to an employee for injury proximately caused by the employee's willful intention to injure himself or injure another. Conditions of the aging process, including but not limited to heart and cardiovascular conditions, shall be compensable only if contributed to or aggravated or accelerated by the injury.*

5 New Paragraphs; Definition Added. Amend RSA 281-A:2 by inserting after paragraph XII the following new paragraphs:

XII-a. "Intoxication" means intoxication by alcohol or controlled drug as defined in RSA 318-B:1. This definition shall not include an employee's use of a controlled drug for which a prescription has been issued authorizing such drug to be dispensed to him, when the employee's use of the controlled drug is in accordance with the instructions for use of the controlled drug.

XII-b. "Health care provider" as used in this chapter includes doctors, chiropractors, rehabilitation providers, health services as defined in RSA 151-C:2, XVIII, health care facilities as defined in RSA 151-C:2, XV-a, and health maintenance organizations as defined in RSA 151-C:2, XVI.

6 New Paragraph; Definition Added. Amend RSA 281-A:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Rehabilitation provider" as used in this chapter includes any person or entity which operates for the purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under competent professional supervision.

7 New Paragraph; Definition Added. Amend RSA 281-A:2 by inserting after paragraph X the following new paragraph:

X-a. "Gainful employment" means employment which reasonably conforms with the employee's age, education, training, temperament and mental and physical capacity to adapt to other forms of labor than that to which the employee was accustomed.

8 Civil Penalty Increased. Amend RSA 281-A:7, I to read as follows:

I. An employer subject to this chapter who fails without sufficient cause as determined by the commissioner to comply with the provisions of RSA 281-A:5 by not securing payment of compensation shall be assessed a civil penalty of *up to* [\$500] **\$2,500**; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance beginning on the date of written notification by the commissioner. An insurance carrier which insures an employer and fails to file with the commissioner a notice of coverage within a reasonable period of time as prescribed by rule shall be assessed a civil penalty of \$10 for each day of noncompliance beginning on the date of the commissioner's written notification to the carrier. The commissioner shall deposit all moneys collected under this section with the state treasurer.

9 New Paragraph; Criminal Penalty Added. Amend RSA 281-A:7 by inserting after paragraph V the following new paragraph:

VI. Any employer, individual, or corporate officer required to secure payment of compensation under this chapter who fails to secure such payment shall be guilty of a misdemeanor.

10 Reference Added. Amend RSA 281-A:14 to read as follows:

281-A:14 Employee's Fault. The employer shall not be liable for any injury to a worker which is caused in whole or in part by the intoxication, *as defined in RSA 281-A:2, XII-a*, or by the serious and willful misconduct of the worker. The provision as to intoxication shall not apply, however, if the employer knew that the employee was intoxicated.

11 Computing the Average Weekly Wage. Amend RSA 281-A:15, I to read as follows:

I. Except as provided in paragraphs II and III and subject to RSA 281-A:28, 281-A:28-a and RSA 281-A:31-a, an average weekly wage shall be computed by using the method in subparagraph (a)[.] *or* (b), or (c) that yields the result more favorable to the injured employee:

(a) By dividing the gross earnings of the injured employee in the service of the same employer during the preceding [12] **26** weeks by that number of weeks; or

(b) By dividing the gross earnings of the injured employee in the service of the same employer during a period exceeding **26** weeks but not exceeding 52 weeks by the appropriate number of weeks.

(c) If, however, by reason of the shortness of time during which the employee has been in the employment of the employer or because of the nature or term of the employment, it is inequitable to compute the average weekly wage using the method in [either] subparagraph (a) or (b), regard may be had to the rate of pay designated in the injured employee's agreement of employment or to the gross earnings of persons in the same grade employed at the same work by the same employer or, if there are no persons so employed, by persons of the same grade employed in the same class of employment in the same locality.

12 New Section; Time Limitations for Filing Claim. Amend RSA 281-A by inserting after section 21 the following new section:

281-A:21-a Time Limitations for Filing Claim. Compensation for disability, rehabilitation, medical benefits, or death benefits under this chapter shall be barred unless a claim is filed within 3 years after the date of injury; provided, however, that if the nature of the injury and its possible relationship to the employment are not known to the employee, the time for filing a claim shall not begin to run until the earlier of the following:

I. The date the employee knows, or by reasonable diligence should know, of the nature of the injury and its possible relationship to the employment; or

II. In the event of death, the date any dependent knows, or by reasonable diligence should know, of the nature of the injury and its possible relationship to the employee's employment.

13 Time Period Extended. Amend RSA 281-A:22 to read as follows:

281-A:22 Waiting Period. An employer subject to this chapter, or the employer's insurance carrier, shall pay workers' compensation to an employee sustaining a personal injury during a period of total or partial disability, but not for the first 3 days of disability unless the disability continues for [7] **14** days or longer.

14 New Paragraphs; Referrals; Reports and Information Required. Amend RSA 281-A:23 by inserting after paragraph III the following new paragraphs:

IV. Health care providers shall not refer an injured worker for medical care or related services to any other health care provider, organization, association, corporation, partnership or group practice in which the referring health care provider or any member of its professional association or group practice has a financial or ownership interest unless the commissioner confirms in writing that an exception is authorized for the welfare of the specific injured worker.

V.(a) The act of the worker in applying for workers' compensation benefits constitutes authorization to any physician, hospital, chiropractor, or other medical vendor to supply all relevant information regarding the worker's occupational injury or illness to the insurer, the worker's employer, the worker's representative, and the department. Medical information relevant to a claim includes a past history of complaints of, or treatment of, a condition similar to that presented in the claim. Any person who supplies information in accordance with this subparagraph and with rules adopted by the commissioner shall be immune from any liability, civil or criminal, that might otherwise be incurred for such action. The physician may require evidence from the workers' representative in his or her representative capacity. This authorization shall be valid for the duration of the work-related injury or illness.

(b) The commissioner shall develop a form on which health care providers and health care facilities shall report medical, surgical or other remedial treatment. The report shall include, but is not limited to, information relative to the up-to-date medical status of the employee, any medical information relating to the employee's ability to return to work, whether or not there are physical restrictions, what those restrictions are, the date of maximum medical improvement, and, where applicable, the percentage of permanent impairment in accordance with the "Guides to the Evaluation of Permanent Impairment" published by the American Medical Association and as set forth in RSA 281-A:32, and any other information to enable the employer or insurance carrier to determine the benefits, if any, that are due and payable. In addition to the report required under this section, the health care provider shall furnish a statement confirming that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained. The statement shall read as follows: "I certify that the narrative descriptions of the principal and secondary diagnosis and the major procedures performed are accurate and complete to the best of my knowledge." The health care provider shall date and sign the statement.

(c) The commissioner may assess a civil penalty of up to \$2,500 on any health care provider who without sufficient cause, as determined by the commissioner, bills an injured employee or his or her employer for services covered by insurers or self-insurers under this chapter. There shall be no reimbursement for services rendered, unless the health care provider or health care facility giving medical, surgical, or other remedial treatment furnishes the report required in subparagraph (b) to the employer, insurance company, or claims adjusting company within 10 days of the first treatment. First aid treatment is excluded from the 10-day reporting requirement. Additionally, for good cause, a hearing officer may waive the 10-day reporting requirement and order remuneration paid. The employer, claims adjustment company, self-insurer or insurer shall pay the health care provider or health care facility within 30 days of receipt of a bill for services.

(d) Any employer, insurance carrier, injured employee, or attorney representing any such person, who receives any medical report, which includes, but is not

limited to, information relative to the remedial treatment, care and attendance of the injured employee, shall file the report with the commissioner within 15 days after receipt of such report. Any medical report which has not been previously filed with the commissioner shall not be received in evidence in a contested case unless the party offering the report has furnished a copy thereof to the opposing party or his attorney at least 5 days prior to the hearing at which it is offered. The health care provider or health care facility shall also provide to the injured employee, or to his attorney, on demand, a copy of each medical report. The injured employee shall only be charged an amount reflecting the actual cost to the health care provider or health care facility in furnishing the copy. Each such health care provider or health care facility shall provide any additional information relating to the remedial treatment, care, and attendance of an injured employee that the commissioner may reasonably request as part of its investigation of a claim for benefits under this chapter. Failure to provide such reports may result in imposition by the commissioner of a civil penalty of up to \$2,500.

15 Medical and Rehabilitation Fee Schedule; Peer Review Panel. RSA 281-A:24 is repealed and reenacted to read as follows:

281-A:24 Medical and Rehabilitation Fee Schedule; Peer Review for Utilization.

I.(a) The commissioner shall adopt a medical and rehabilitation fee schedule effective July 1, 1993. He shall annually determine schedules of maximum reimbursement allowances for such medically necessary remedial treatment, care, attendance, and rehabilitation. Reimbursement for all fees and other charges for such treatment, care, attendance, and rehabilitation, including treatment, care, attendance, and rehabilitation provided by any hospital or other health care provider, or rehabilitation provider shall not exceed the amounts provided by the schedules of maximum reimbursement allowances as determined by the peer review panel established in paragraph III and adopted by the commissioner by rule. The schedules shall have statewide applicability and shall be uniform throughout the state. An individual health care provider, hospital, or rehabilitation provider shall be paid either the provider's usual charge for treatment, care, attendance, and rehabilitation services or the maximum reimbursement allowance as set forth in the applicable schedule, whichever is less. In establishing the schedules of maximum reimbursement allowance, the commissioner shall consider the following:

(1) The levels of reimbursement for similar treatment, care, attendance, and rehabilitation service made by other health care programs or third-party providers.

(2) The financial impact on employers for providing a level of reimbursement for treatment, care, attendance, and rehabilitation services which will ensure the availability of treatment, care, attendance, and rehabilitation services required by injured workers.

(3) The potential change in workers' compensation insurance premiums or costs attributable to the level of treatment, care, attendance, and rehabilitation services provided.

(4) The financial impact of the reimbursement allowances upon health care providers, health care facilities, and rehabilitation providers and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, attendance, and rehabilitation services.

(b) The schedules of maximum reimbursement allowances shall be reasonable, shall promote health care and rehabilitation services cost containment and efficiency with respect to the workers' compensation health care delivery system, and shall be

sufficient to ensure availability of such medically necessary remedial treatment, care, attendance, and rehabilitation services to injured workers.

II. The commissioner may investigate health care providers, health care facilities, and rehabilitation providers to determine if they are in compliance with the rules adopted by the commissioner. If the commissioner finds that a health care provider, health care facility, or rehabilitation provider has required unnecessary treatment, hospitalization, rehabilitation service or office visits, or other excessive charges, the health care provider, health care facility, or rehabilitation provider shall not receive payment under this chapter from a carrier, employer, or employee for the excessive fees or unnecessary treatment, hospitalization, rehabilitation services, or visits. In addition, the health care provider, health care facility, or rehabilitation provider shall be required to return to the carrier, self-insurer, employer or injured employee any such fees or charges already collected.

III. The commissioner shall create a peer review panel which shall consist of 5 members: 2 health care providers other than physicians, 2 physicians, and a rehabilitation provider who provides services and treatment to injured workers under this chapter. The panel shall develop, implement and establish procedures which may be adopted by the commissioner by rule and with which the peer review panel shall perform utilization review of services rendered by health care providers and physicians, to determine whether services are being rendered in such a manner which may be inappropriate with respect to either the level or the quality of care. Such procedures shall include guidelines for disciplinary actions including appropriate sanctions which may be taken against health care providers, when appropriate. When a health care provider, health care facility, or rehabilitation provider accepts payment for remedial treatment under this chapter, the act of accepting such payment constitutes consent to provide all records and other information concerning such treatment for utilization review and peer review as provided under this section.

IV. If it is determined that a health care provider, health care facility, or rehabilitation provider improperly overutilized, or otherwise rendered or ordered inappropriate medical treatment or services, or that the reimbursement for such treatment or services was inappropriate, the commissioner may order the health care provider, health care facility, or rehabilitation provider to show cause why it should not be required to repay the amount paid for the rendering or ordering of such treatment or services and shall inform him of his right to a hearing in accordance with rules adopted by the commissioner under RSA 541-A. If a hearing is not requested within 30 days of receipt of the order and the commissioner decides to proceed with the matter, a hearing shall be conducted, a prima facie case established, and a final order issued. If the final order, including judicial review of the order if appealed, is adverse to the health care provider, the commissioner shall provide the licensing board of the health care provider with full documentation of such determination.

V. The commissioner shall assess a civil penalty not to exceed \$2,500 for violations of this section which are willful or which demonstrate a pattern of improperly charging or overcharging employers or workers' compensation insurers.

16 New Paragraphs; Duties of Rehabilitation Providers. Amend RSA 281-A:25 by inserting after paragraph VI the following new paragraphs:

VII. A rehabilitation provider shall prepare an individualized written rehabilitation plan on all compensable workers' compensation claims which require 2 or more counseling sessions, vocational evaluations, training, work evaluation, work hardening, or placement. Prior to implementation of the plan, the plan shall be signed by the

employer and employee and filed with the commissioner. The commissioner may, within 14 days of the filing of such plan, disallow any plan for rehabilitation that does not appear to be in the best interest of the employee or designed to return the employee back to work.

VIII. Each rehabilitation provider shall disclose in writing at the first meeting or written communication with the employee, any ownership, interest, or affiliation between the firm which employs the rehabilitation provider and the employer, insurance company, or claims adjusting company, including the nature and extent of the affiliation or interest. Each rehabilitation provider shall also disclose in writing to all parties any affiliation, business referral or other arrangement between the provider and any other party, including any attorney, any physician, or any chiropractor.

17 Burial Expenses Increased. Amend RSA 281-A:26, IV to read as follows:

IV. The employer shall pay burial expenses not to exceed [\$3,000] **\$5,000**.

18 Temporary Total Disability. Amend the section heading and the introductory paragraph of RSA 281-A:28 to read as follows:

281-A:28 Compensation for **Temporary** Total Disability. An employer subject to this chapter, or the employer's insurance carrier, shall pay workers' compensation to an employee sustaining a personal injury [during a period of total or partial disability] ***which is totally disabling, but temporary in nature, and the employee is unable to return to work, but has not achieved maximum medical improvement***, but not for the first 3 days of disability unless the disability continues for [7] **14** days or longer, as follows:

19 After Tax Earnings Not to be Exceeded. Amend RSA 281-A:28, I and II to read as follows:

I. If an employee's average weekly wage is 40 percent or less of the state's average weekly wage, weekly compensation shall be the full amount of that employee's average weekly wage. ***However, the maximum allowable weekly compensation rate shall not exceed 100 percent of the employee's after tax earnings as determined by RSA 281-A:15.***

II. If an employee's average weekly wage is over 40 percent of the state's average weekly wage, weekly compensation shall be 66-2/3 percent of that employee's average weekly wage or 40 percent of the state's average weekly wage, whichever is greater, but in no event shall weekly compensation exceed 150 percent of the state's average weekly wage rounded off to the nearest dollar as the commissioner determines for the year in which the injury occurred. ***In no event shall the maximum weekly compensation rate exceed 100 percent of the employee's after tax weekly earnings as determined under RSA 281-A:15.*** For purposes of this section, the department of employment security shall establish the state's average weekly wage for the immediate preceding calendar year to be effective the following July 1.

20 New Section; Compensation for Permanent Total Disability. Amend RSA 281-A by inserting after section 28 the following new section:

281-A:28-a Compensation for Permanent Total Disability. In case of total disability where the employee is unable to engage in gainful employment and the employee has reached maximum medical improvement, permanent benefits shall be payable to the employee during the continuance of such total disability, as follows:

I. If an employee's average weekly wage is 40 percent or less of the state's average weekly wage, weekly compensation shall be the full amount of said employee's weekly compensation rate. However, the maximum allowable weekly compensation

rate shall not exceed 100 percent of the employee's after tax earnings as determined pursuant to RSA 281-A:15.

II. If an employee's average weekly wage is over 40 percent of the state's average weekly wage, weekly compensation shall be 66-2/3 percent of the employee's average weekly wage or 40 percent of the state's average weekly wage, whichever is greater, but in no event shall weekly compensation exceed 150 percent of the state's average weekly wage rounded off to the nearest dollar as determined by the commissioner for the year in which the injury occurred. In no event shall the weekly compensation rate exceed 100 percent of the employee's after tax weekly earnings as determined pursuant to RSA 281-A:15. For the purposes of this section, the state's average weekly wage shall be established by the department of employment security for the immediate preceding calendar year to be effective the following July 1.

III. No compensation shall be payable under this section if the employee is engaged in, or is physically capable of engaging in, gainful employment.

21 Time Periods Extended. Amend RSA 281-A:31 to read as follows:

281-A:31 Compensation for Temporary Partial Disability. If the disability for work resulting from an injury is partial, *and the employee is able to work but has not yet reached maximum medical improvement*, the employer, or the employer's insurance carrier, during such disability, but not for the first 3 days of disability unless the disability continues for [7] **14** days or longer, shall pay to the injured employee a weekly compensation equal to 66-2/3 percent of the difference between the employee's average weekly wage before the injury and the average weekly wage which he or she is able to earn thereafter; but in no instance shall the weekly compensation exceed the amount set forth by the compensation schedule in RSA 281-A:28. Payments shall not continue after the disability ends, nor longer than [341] **350** weeks; and, if the partial disability begins after a period of total disability, the period of total disability shall be deducted from such total period of [341] **350** weeks.

22 New Section; Compensation for Permanent Partial Disability. Amend RSA 281-A by inserting after section 31 the following new section:

281-A:31-a Compensation for Permanent Partial Disability. Where the disability for work resulting from an injury is permanent but partial in nature, the employee has reached maximum medical improvement, is able to return to work, and there is an impairment in accordance with the "Guides to the Evaluation of Permanent Impairment" published by the American Medical Association as set forth in RSA 281-A:32, the employer, or insurance carrier, during such disability shall pay to the injured employee a weekly compensation equal to 66-2/3 percent of the difference between his average weekly wage before the injury and the average weekly wage which he is able to earn thereafter. However, in no instance shall the weekly compensation exceed the amounts set forth by the compensation schedule in RSA 281-A:28. Payments shall not continue after the disability ends, nor longer than 350 weeks; and if the partial disability begins after a period of total disability, the period of disability shall be deducted from such total period of 350 weeks.

23 New Paragraph; Permanent Impairment Guidelines. Amend RSA 281-A:32 by inserting after paragraph XIII the following new paragraph:

XIV. Rulemaking Required. In order to reduce litigation and establish more certainty and uniformity in the rating of permanent impairment, the commissioner shall adopt rules, under RSA 541-A, incorporating by reference the most recent edition of the American Medical Association's "Guides to the Evaluation of Permanent Impair-

ment" to determine the degree of permanent impairment and on which to base awards under this chapter.

24 Civil Penalty Increased; Time Period Extended. The introductory paragraph of RSA 281-A:42, I is repealed and reenacted to read as follows:

I. The commissioner may assess a civil penalty of up to \$2,500 on any insurance carrier or self-insurer who fails, without sufficient cause as determined by the commissioner, within 21 days after notice of a claim has been received by the insurance carrier or self-insurer or 21 days from the date that benefits are due:

25 Time Period Extended. Amend the introductory paragraph of RSA 281-A:42, II to read as follows:

II. The insurance carrier or self-insurer shall be relieved of [having] *the obligation* to meet the [7-day] *21-day* time limit of paragraph I:

26 Reference Addition. Amend RSA 281-A:42, IV to read as follows:

IV. The commissioner shall submit to the insurance commissioner the record of an insurance carrier who consistently fails to comply with the provisions of this section. If the insurance commissioner should, upon investigation, find the carrier to be in substantial noncompliance, the commissioner shall order compliance. If the insurance carrier shall fail to comply, the insurance commissioner shall suspend or revoke such carrier's authorization to carry out the business of workers' compensation in this state. Likewise, the commissioner shall, as the commissioner deems necessary, suspend or revoke the self-insurer's permit of an employer *or group self-insurer* who consistently fails to comply with the provisions of this section and any rules adopted to enforce this section.

27 New Paragraphs; Failure to File Memorandum. Amend RSA 281-A:42 by inserting after paragraph IV the following new paragraphs:

V. Any insurance carrier or self-insurer who fails to file a timely memorandum in accordance with this section and who makes late payment to the employee, shall pay interest to such employees at the rate of 10 percent per annum from the date the payment was due until it is paid.

VI. In addition to paragraph V, any insurance carrier, self-insurer, or claims adjusting company who fails to file either the memorandum of payment of disability compensation or the memorandum of denial of compensation benefits in a timely manner shall be assessed a civil penalty of up to \$2,500.

28 New Sections; Compensation Appeals Board Established. Amend RSA 281-A by inserting after section 42 the following new sections:

281-A:42-a Appeals Board; Composition; Compensation.

I. There is established a Compensation Appeals Board. The board shall consist of a pool of 9 members at least three of whom shall be attorneys. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Terms of board members shall be 4 years, except the initial appointments shall be staggered so that no more than 1/3 of the members terms shall expire in the same year. Members of the board shall have at least 5 years experience in the area of workers' compensation. Appeals from a decision of the commissioner or the commissioner's representative shall be heard de novo by a 3-member panel at least one of whom shall be an attorney and who shall serve as chair. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made

pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

II. The board shall be an administratively attached agency under RSA 21-G:10, to the department of labor, but shall operate independently from the department.

III. Members of the board shall each receive \$150 per diem for each day devoted to the work of the board and shall be reimbursed for necessary travel expenses.

281-A:42-b Hearing Officers. The commissioner shall appoint as many individuals as necessary to carry out the department's responsibilities under this chapter. Such individuals shall have experience in workers' compensation and shall hear workers' compensation cases before the commissioner. The commissioner shall set forth the job qualification necessary to insure that each hearing officer is qualified to hear workers' compensation cases. The salary shall be commensurate with the responsibilities and experience required. The commissioner shall, by rules adopted under RSA 541-A, strengthen the reporting structure and the role of a hearing officer; develop a code of ethics for hearings and hearing officers; develop and require at least 15 hours of continuing education on an annual basis for hearing officers; and require a minimum of an additional 15 hours of annual training and briefing with the attorney general's staff.

29 Hearings and Awards; Appeals to Compensation Appeals Board. RSA 281-A:43, I is repealed and reenacted to read as follows:

I.(a) In a controversy as to the responsibility of an employer or the employer's insurance carrier for the payment of compensation and other benefits under this chapter, any party at interest may petition the commissioner in writing for a hearing and award. The petition shall be sent to the commissioner at the department's offices in Concord and shall set forth the reasons for requesting the hearing and the questions in dispute which the applicant expects to be resolved. The commissioner or the commissioner's authorized representative shall schedule a hearing, either in Concord or at a location nearest the employee as determined by the commissioner, by fixing its time and place and giving notice at least 14 days prior to the date for which it is scheduled. The hearing date shall be set for a time not to exceed 6 weeks from the date the petition was received. In those instances where an expedited hearing is requested, the petition for hearing shall set forth the facts in sufficient detail to support the request for an expedited hearing. The commissioner, or his authorized agent shall, in his discretion, determine whether the need exists for an expedited hearing. Any requests for an expedited hearing shall be periodically reviewed by the commissioner to determine whether such requests are given proper attention. The commissioner shall also identify any over-utilization by the requesting parties and responses given to such requests by the commissioner. An annual report of the expedited requests, responses, the number of continuances, the reasons for such continuances, the number of requests for hearing, and the time within which the hearings were held shall be made annually to the advisory council established in RSA 281-A:62. The notice shall be given in hand or by certified mail, return receipt requested. Continuances of any hearing are discouraged; however, should a continuance be necessary, the parties requesting such continuance shall file with the department a written petition for such continuance at least 7 days prior to the hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter, a continuance may only be granted upon the commissioner's finding that a compelling need exists so as to require a continuance. At such hearing, full consideration shall be given to all evidence presented, and it

shall be incumbent upon all parties to present all available evidence. No later than 30 days after the hearing, the commissioner or the commissioner's authorized representative shall render a decision and shall forthwith notify the parties of it. When appropriate, the commissioner, or his authorized representative, may render a decision at the hearing. Unless excused for good cause shown, failure of any or all parties at interest to appear at a duly scheduled hearing or to petition for a continuance shall bar such parties from any further action concerning an adverse decision, a decision by default, or a dismissal of a petition for hearing and award.

(b) An appeal from a decision of the commissioner or the commissioner's authorized representative shall be taken to the board no later than 30 days from the date of such decision. Upon the filing of an appeal the board shall, within 6 weeks hold a full hearing on the appeal; but, in no case shall such an appeal suspend the operation of an award unless the hearing officer from which the appeal was taken shall so order. The board shall give notice of the scheduled hearing at least 14 days prior to the date for which it is scheduled. Continuances of any hearing are discouraged; however, should a continuance be necessary, the parties requesting such continuance shall file with the board a written petition for such continuance at least 7 days prior to the hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter, a continuance may only be granted upon the commissioner's finding that a compelling need exists so as to require a continuance. The board shall make its decision or order setting forth its findings of fact and rulings of law within 30 days of the hearing.

(c) Any party in interest aggrieved by any order or decision of the board may appeal to the supreme court pursuant to RSA 541.

30 Hearings and Awards; Civil Penalty Increased. Amend RSA 281-A:43, II to read as follows:

II. A decision of the commissioner *or the commissioner's authorized representative* shall take effect upon the date of notification and shall become final, in the absence of an appeal from it, 30 days after notification. Payment of weekly compensation and entitlement to medical and vocational benefits, if necessary and so ordered by the commissioner, shall begin or continue as soon as possible, but no later than 5 working days after the decision's effective date, and shall not be terminated except in accordance with the terms of the [commissioner's] decision or of a final court determination. [Upon failure without sufficient cause as determined by the commissioner of an employer to comply with the decision] *If the commissioner determines that the employer has failed to comply with the order, then,* the commissioner [shall] *may* assess a penalty not to exceed [\$25] *\$100* for each day of noncompliance, beginning on the date of notification of its assessment. Upon continued failure to comply with an order to make payment of the compensation or medical benefits, or to institute vocational rehabilitation, or to pay the penalty, or any combination thereof, the commissioner shall petition the superior court for an injunction to comply. The commissioner shall deposit with the state treasurer any penalty collected under this section.

31 Responsibility of Employer to Provide Vital Information; Civil Penalty Increased. Amend RSA 281-A:53, I to read as follows:

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending [during the entire waiting period provided by RSA 281-A:22] *beyond 3*

days, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than [10] 7 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails without sufficient cause as determined by the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of [\$25] *up to \$2,500*. If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them with the state treasurer.

32 Employer Reimbursement. Amend RSA 281-A:54, I, II, and III to read as follows:

I. If an employee who has a permanent physical or mental impairment, as defined in RSA 281-A:2, XIV, from any cause or origin incurs a subsequent disability by injury arising out of and in the course of such employee's employment on or after July 1, 1975, which results in compensation liability for a disability that is [substantially] greater by reason of the combined effects of the preexisting impairment than that which would have resulted from the subsequent injury alone, the employer or the employer's insurance carrier shall in the first instance pay all awards of compensation provided by this chapter. However, the commissioner shall reimburse such employer or insurance carrier from the special fund created by RSA 281-A:55 for all compensation payments subsequent to those payable for the first 104 weeks of disability. *Provided, however, that prior to the first 104 weeks of disability, the employer shall be reimbursed 50 percent after the first \$10,000 paid on all compensation for temporary total, temporary partial, permanent partial, permanent total, medical, or rehabilitation benefits for all injuries occurring on or after January 1, 1991.*

II. If the subsequent injury of such an employee occurring on or after July 1, 1975, shall result in the death of the employee and it shall be determined that the death would not have occurred except for such preexisting permanent physical or mental impairment, the employer or the employer's insurance carrier shall in the first instance pay the compensation prescribed by this chapter. However, the commissioner shall reimburse such employer or insurance carrier from the special fund created by RSA 281-A:55 for all compensation payable in excess of 104 weeks, *provided, however, that prior to the 104 weeks, the employer shall be reimbursed 50 percent over and above the first \$10,000 of all compensation, medical, rehabilitation benefits, or funeral expenses which the employer was required to pay for all injuries occurring on or after January 1, 1991.*

III. In order to qualify under this section for reimbursement from the special fund, an employer shall establish by written records, *or by affidavit executed at the time of hire or retention in employment*, that the employer had knowledge of the employee's permanent physical or mental impairment at the time that the employee was hired or at the time that the employee was retained in employment after the employer acquired such knowledge.

33 New Paragraph: Job Modification Plans. Amend RSA 281-A:54 by inserting after paragraphs VIII the following new paragraph:

IX. Employers who incur costs for job modification for the purposes of retaining individuals for which a plan for modification has been approved by the commissioner

shall be reimbursed 50 percent of the cost for such job modifications from the special fund for second injuries under RSA 281-A:55. Such reimbursement shall not exceed \$5,000 per employer per year. Before reimbursement shall be authorized, the employer shall submit the plan for modification to the commissioner for approval.

34 New Subparagraphs; Rulemaking Added. Amend RSA 281-A:60, I(g) to read as follows:

(g) *Content and manner of supplying medical information required under RSA 281-A:23, V.*

(h) *Developing and implementing the medical and rehabilitation fee schedule in accordance with RSA 281-A:24, I.*

(i) *Establishing a peer review panel and developing procedures for such panel to perform utilization review of services as required under RSA 281-A:24, III.*

(j) *Using the most recent edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" in accordance with RSA 281-A:32, XIV, and updating such rules as other editions of such guide are published.*

(k) *Guidelines for employers' safety programs and procedures for filing such programs in accordance with RSA 281-A:64, II.*

(l) *Developing the multi-media education program required under RSA 281-A:65, I and procedures for using it to educate persons on the workers' compensation law and safety procedures.*

(m) *Preparing and distributing of the manual required under RSA 281-A:65, II.*

(n) Any other matter necessary to the enforcement or administration of this chapter.

35 Advisory Council; Additional Members and Duties. RSA 281-A:62 is repealed and reenacted to read as follows:

281-A:62 Advisory Council.

I. There is hereby established an advisory council on workers' compensation. The advisory council shall consist of 7 members: the commissioner or a designee; the insurance commissioner or a designee; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the president of the senate; and 3 persons appointed by the governor and council, one representing the interests of management, one representing the interests of labor, and one representing insurers who provide workers' compensation coverage. The legislative members of the advisory council and the 3 members appointed by the governor and council shall be familiar with the workers' compensation laws of New Hampshire. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The term of office of each member appointed by the governor and council shall be 3 years and until a successor is appointed and qualified; provided, however, that the first appointments of these 3 members shall be as follows: 1 for one year, 1 for 2 years and 1 for 3 years. Vacancies shall be filled in the same manner and for the unexpired terms. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

II. The council shall meet on a monthly basis and shall annually review the performance of the workers' compensation system and issue a report of its findings and conclusions on or before January 1 of each year to the governor, the labor commissioner, the commissioner of insurance, the speaker of the house of representatives,

the president of the senate, and appropriate committee chairs of both houses as to the status of the workers' compensation system. In performing its responsibilities, the council may:

(a) Make recommendations relating to the adoption of rules and necessary legislation.

(b) Develop recommendations regarding the method and form of statistical data collection.

(c) Monitor the performance of the workers' compensation system and monitor the implementation of legislative directives.

III. The department of labor and other state agencies shall cooperate with the council and shall provide necessary information and staff support.

36 New Sections; Claim Adjusters; Safety Rules. Amend RSA 281-A by inserting after section 62 the following new sections:

281-A:63 Claims Adjusters.

I. Any insurance carrier or claims adjusting company handling workers' compensation claims in this state shall utilize a licensed resident claims adjuster with suitable facilities in this state.

II. Every 2 years, at least 90 days prior to the renewal date of their license, persons holding a license to adjust workers' compensation insurance claims shall certify to the department of insurance that they have completed a course of instruction. The course shall provide a minimum of 30 hours which shall inform the licensee of the current workers' compensation laws of this state, to enable the licensee to engage in the business of a workers' compensation adjuster fairly and without injury to the public and to adjust all claims in accordance with the workers' compensation laws of this state.

281-A:64 Safety Provisions.

I. Every employer carrying workers' compensation coverage as required under this chapter shall provide employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health and safety of the employees.

II. All employers with 10 or more full-time employees shall prepare, with the assistance of the commissioner, a current written safety program. The programs shall be filed annually with the commissioner beginning on January 1, 1991. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension and job termination for violations of the safety rules and regulations set forth in the program.

III. The commissioner, in conjunction with the National Council of Compensation Insurance (NCCI), shall, no later than January 1, 1991, develop a list of the best and worst performers based on the experience modification factors promulgated by NCCI. The list shall include the top 10 lowest experience modification employers. The commissioner shall publicly recognize these low experience modification employers by presenting them with an award at the department's annual workers' compensation conference. The list of the top 10 highest and lowest experience modification employers shall be provided to the advisory council. The department shall review any specific claim against any employer listed in the top ten highest experience modification lists in conjunction with the safety program on file with the commissioner.

IV. In order to assist self-insurers in developing experience modification factors, self-insurers may submit the appropriate statistical information to the National Council of Compensation Insurance for calculating experience modifications.

281-A:65 Multi-Media Program and Manual Required.

I. The commissioner shall develop a multi-media education program on safety in the workplace, which shall be used to educate persons providing or receiving workers' compensation benefits regarding their rights, duties and responsibilities under this chapter.

II. The commissioner shall also publish and distribute a manual, which shall be approved by the advisory council. Such manual shall be written in informal and readily understandable language and shall contain an explanation of workers' compensation benefits, procedures regarding disputes, relevant rules, and such other information that the commissioner determines will inform employees, employers, insurance carriers, and those providing services pursuant to RSA 281-A of their rights, duties and responsibilities under this chapter. The manual shall be reviewed annually and updated as necessary. The manual shall not be construed as containing rules for the purposes of RSA 541-A.

III. The commissioner shall also provide toll free telephone lines to enable employees and employers to contact the department for answers to questions they may have as to their rights, duties and responsibilities under this chapter.

IV. The commissioner shall keep informed regarding successful programs to improve workplace safety conducted in other states. Annually, the commissioner shall communicate with at least 10 employers who have generated the greatest number of compensable injuries in the preceding year, and shall request the opportunity to make a presentation to such employers, and their employees, regarding improvement in workplace safety.

37 New Paragraph; Workers' Compensation Analyst Added. Amend RSA 400-A:6 by inserting after paragraph V the following new paragraph:

VI. There shall be a workers' compensation analyst who shall be appointed by the commissioner of insurance who shall:

- (a) Review rate requests and filings;
- (b) Assist in the study of competitive pricing required under RSA 412:8;
- (c) Review and regulate the qualifications of insurers [and self-insurers] in cooperation with the department of labor;
- (d) Provide research assistance to the workers' compensation advisory council;
- (e) Review the performance of insurers with regard to underwriting philosophies, claims processing procedures and safety services;
- (f) Monitor insurers' compliance with requirements for filing required forms, and review debit and credit schedule rate filings under RSA 412:11;
- (g) Review medical and indemnity deductible rate filings, required under RSA 412:10-a.

38 Reference Change. Amend RSA 404-C:1 to read as follows:

404-C:1 Establishment of Plans. If the commissioner of insurance finds after a hearing that, in any part of this state, automobile insurance, aviation insurance, property insurance, [workmen's] *workers'* compensation, accident and health insurance or any form of liability insurance is not readily available in the voluntary market, and that the public interest requires such availability, he may, by [regulation] *rule*, either [promulgate] *adopt* plans to provide such insurance coverage for any risks in this state

which are equitably entitled to but otherwise unable to obtain such coverage or he may call upon industry to prepare plans for his approval.

39 New Section; Workers' Compensation Risk Plan. Amend RSA 404-C by inserting after section 5 the following new section:

404-C:5-a Workers' Compensation Assigned Risk Plan. The workers' compensation assigned risk plan shall provide that an employer with an experience modification factor of 1.50 or greater shall lose the entitlement to a premium discount.

40 Evaluation Added. Amend RSA 412:8 to read as follows:

412:8 Approval.

I. Every insurance company or other insurer, which insures employers against liability for compensation under the [workmen's] *workers'* compensation law, shall file with the insurance commissioner individually or in collaboration with others, in such form as he may prescribe its classification of risks and premium rates, together with basic rates and [schedule or merit] *and merit or debit and credit schedule* rating, if a system of [schedule or merit] *merit or debit and credit schedule* rating [be] is in use, none of which shall take effect until the commissioner shall have approved the same as just and reasonable and adequate for the risks to which they respectively apply. The commissioner may require such insurer to furnish information to support such filing.

II. The commissioner shall evaluate systems of "administered pricing" versus and "competitive rating" and the costs and benefits of applying such systems to regulating the classification of risks and premium rates for workers' compensation insurance in New Hampshire every 3 years. The commissioner shall provide his evaluation to the workers' compensation advisory council established by RSA 281-A:62.

41 New Section; Workers' Compensation Insurance Rate. Amend RSA 412 by inserting after section 10 the following new section:

412:10-a Workers' Compensation Insurance Rate. All insurance carriers authorized to write workers' compensation insurance shall make available, at the written request of the employer, a workers' compensation insurance rate containing a deductible provision which shall bind the employer to pay, at a minimum, 100 percent of the first \$500 of benefits due to an employee, whether these benefits be medical benefits or indemnity benefits. The commissioner shall approve rates that include larger medical and indemnity deductibles on benefits greater than \$500. The commissioner shall prescribe the maximum medical and indemnity deductibles. Employers who choose to acquire workers' compensation insurance with a deductible provision, as to the amount of the deductible, are considered insurers and shall have the same responsibilities under the applicable sections of this chapter.

42 Schedule Rating Voluntary. RSA 412:11 is repealed and reenacted to read as follows:

412:11 Schedule Rating. The commissioner may permit insurers to use appropriate systems of schedule rating filed by any insurer or rating bureau approved by the commissioner, subject to rules adopted under RSA 541-A, to assure the uniform and impartial application of such rating. Such ratings shall be:

I. Based on an employer's safety policies and record, including its policies with regard to injured workers' return to work.

II. No greater than plus or minus 25 percent of the insurer's base rates.

III. Voluntary on the part of both the insurer and the employer; and

IV. Applicable to an annual premium greater than \$1,000.

43 Appropriation. The sum of \$500,000 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of labor for the purpose of this bill. This appropriation is in addition to any other funds appropriated to the labor department and shall be charged against the administration fund established in RSA 281-A:59.

44 Award of Fees and Interest. Amend RSA 281-A:44, I to read as follows:

I. In any dispute over the amount of the benefit payable under this chapter which is appealed to the [superior] *board* or supreme court or both, the employee, if such employee prevails, shall be entitled to reasonable counsel fees as approved by the court and interest at the rate of [6] *10* percent per year on that portion of any award the payment of which is contested. The interest shall be computed from [30 days after award by the commissioner] *the date of injury*.

45 Effective Date.

I. RSA 281-A:24, I, as amended by section 15 of this act, shall take effect July 1, 1993.

II. The remainder of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill implements some of the recommendations of the governor's task force on workers' compensation, established pursuant to executive order 89-4. Specifically, this bill, among other changes:

(1) Redesigns the hearing process by creating a compensation review commission to hear appeals on decisions of the commissioner before such appeals are taken to court. Any party aggrieved by a decision of the board may appeal to the supreme court.

(2) Mandates that once hearings are scheduled, they can only be continued by filing, at least 7 days prior to the hearing, a written petition with the department of labor.

(3) Establishes a 3-year time limit for claims to be filed for benefits under this chapter. Current law provides a time limit only when the notice of injury must be filed.

(4) Mandates that employees are not to be paid more than 100 percent of their after tax earnings, which is defined as gross earnings reduced by the amount which would have been paid under the Federal Insurance Contribution Act and income tax withholding, calculated on an annual basis using as the number of exemptions the disabled employee and dependents, without excess itemized deductions. Gross earnings are based on earnings during the proceeding 26 weeks. Current law authorizes it to be based on a period from 12 weeks to 52 weeks.

(5) Increases benefits for burial expenses from \$3,000 to \$5,000.

(6) Establishes a definition of maximum medical improvement which means the point at which the injured employee has healed and no further improvement is expected. Once an employee meets maximum medical improvement, he must either return to work or be classified as permanently totally disabled or permanently partially disabled. Current law authorizes such employee to remain in a temporary total disability status indefinitely.

(7) Requires employees to be disabled for 14 days before they may be reimbursed for the first 3 days of injury. Current law provides for a 7-day waiting period.

(8) Requires the commissioner to develop and establish a medical and rehabilitation fee schedule to be used to reimburse providers.

(9) Requires providers of services to file medical reports with the employer or insurance carrier within 10 days of treatment.

(10) Establishes a peer and utilization review panel which is to be comprised of medical care providers. The panel shall perform utilization review of services rendered by health care providers and physicians.

(11) Changes the terms of members of the advisory council established in RSA 281-A:62 and adds to their responsibilities.

(12) Increases civil penalties for employers or insurance carriers failing to comply with the workers' compensation law.

(13) Requires claims adjusters to complete 30 hours of continuing education every 2 years.

(14) Requires all employers to provide safe employment and employers with 10 or more employees to prepare a written safety program regarding safety policies and to file such program with the commissioner on an annual basis.

(15) Requires the commissioner to develop and use as an educational tool a multi-media program on the workers' compensation law and safety procedures.

(16) Requires the commissioner to establish a toll-free information telephone line.

(17) Creates a new position of workers' compensation analyst. The duties of such analyst will include, but not be limited to, monitoring insurer compliance relative to filing certain statistical data, reviewing schedule debit and credit ratings and reviewing rate requests and filings.

(18) Provides criminal penalties for employers who fail to secure workers' compensation coverage.

(19) Provides that intoxication includes being under the influence of a controlled drug as well as under the influence of alcohol.

(20) Excludes workers' compensation for injuries without physical manifestation; injuries to an employee resulting from the employee's willful intention to injure himself or another; and conditions resulting from the aging process unless aggravated or accelerated by the injury.

(21) Provides for the hiring of additional hearing officers to carry out the system.

Rep. Hawkins spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HR 51, relative to serving in the general court. OUGHT TO PASS.

This House Resolution urges New Hampshire businesses to encourage their employees to serve in the General Court. Vote 9-5. Rep. Daniel J. Healy for Legislative Administration.

Report adopted.

(Rep. Gross in the Chair)

HB 1009-FN-A, authorizing wagering on sporting events. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: The majority of the Committee does not think this "game" is financially worthwhile. If we are going to institute a new game let's find one that will bring in some real money. The majority did not want to spend 2.5 million dollars for a game with unpredictable returns. Oregon has twice the population of New Hampshire and its revenues have not lived up to expectations. Vote 9-6. Rep. Arthur P. Klemm for the Majority of Regulated Revenues.

MINORITY: The minority of the Committee felt that this new lottery game could raise about \$5,000,000 in local aid to education and, given the excessive tax burden on local property taxpayers, it felt the need to vote in favor. Rep. Stephen W. Buco for the Minority of Regulated Revenue.

Rep. Buco moved that the report of the minority, Ought to Pass, be substituted for the report of the majority, Inexpedient to Legislate and spoke to his motion.

Reps. Fesh and Phelps spoke against the motion and yielded to questions.

Rep. William Desrosiers spoke in favor of the motion.

Reps. Andrews and Ford spoke against the motion.

Reps. Ouellette and Theriault spoke in favor of the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 77

NAYS 256

YEAS 77 BELKNAP

Rosen, Ralph J.

CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.

Blacketor, Paul G.

Cole, Kenneth A.

Eaton, Daniel Adams

Hunt, John B.

Pearson, Gertrude B.

Young, David A.

COOS

Dumont, Robert E.

Kilbride, Dennis J.

Merrill, Gerald

Nelson, Harold D.

Theriault, Romeo J.

GRAFTON

Dow, David

Driscoll, William J.

LaMott, Paul I.

Whitcomb, Henry F., Jr.

HILLSBOROUGH

Alukonis, David J.

Barry, Janet Gail

Culbert, Patrick

Desrochers, Gerard T.

Desrosiers, William J.

Elliott, Larry G.

Emerton, Lawrence

Gerow, Sezen M.

Green, Scott E.

Hunter, Bruce F.

Jean, Romeo W.

Kelley, Robert N.

King, John A.

Klose, John F.

Lachut, Ervin R.

Lawrence, Norman B.

Mason, Howard F.

Morrisette, Roland

Murphy, Robert E.

O'Rourke, JoAnne A.

Ouellette, Robert O.

Reidy, Frank J.

Robinson, Ellen-Ann

Searles, Stanley N., Sr.

Turgeon, Roland M.

Young, Willard N.

MERRIMACK

Apple, Lowell D.

Bennett, J. Allen

Daneault, Gabriel

Pfaff, Terence R.

ROCKINGHAM

Anderson, Carl F., III

Boucher, William Paul

Brown, Jeffrey M.

Buco, Stephen

Chase, Lawrence A., Jr.

Cooke, Annette M.

Drake, Herbert R.

Ford, Bert H.

Gage, Beverly A.

Kane, Cecelia D.

Sochalski, Matthew M.

Stachowske, Vicki

Sytek, Donna

Weddle, Michael Rodney

Welch, David A.

STRAFFORD

Brown, Julie M.
Flynn, Edward J.
Sullivan, Henry P.
Vincent, Francis C.

Dionne, Albert J.
Keans, Sandra Balomenos
Swope, Warren L.

Flynn, Anita A.
Kinney, Paula J.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.

Hinrichsen, Keith

Middleton, John A.

NAYS 256**BELKNAP**

Bolduc, Dennis R.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Randall, Kenneth A.
Salatiello, Thomas
Ziegra, Alice S.

Golden, Paul A.
Maviglio, Steven R.
Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Delano, Robert F.
Hill, Douglas E.
Matson, William R.
Perry, David M.
Spear, Susan

Cole, Stacey W.
Doucette, Richard F.
LaMar, David M.
Metzger, Katherine H.
Pratt, Irene A.

Crutchley, Donald O.
Foster, Katherine Davis
Laurent, John J.
Morse, Jo-Ann T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Mayhew, Josephine

Burns, Harold W.
Lemire, George
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Hill, Richard L.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Nordgren, Sharon
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Bowers, Dorothy C.
Daigle, Robert Arthur
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.

Amidon, Eleanor H.
Barry, Vivian
Brady, Carolyn L.
Domaingue, Jacquelyn
Drolet, Paul L.
Dyer, Merton S.
Flood, Jacqueline J.

Andrews, Frederick B.
Bourque, Ann J.
Cowenhoven, Garret P.
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Foote, Herbert N., Sr.

Ford, Nancy M.
 Goulet, Maurice E.
 Hanselman, Gregory L.
 Holden, Carol H.
 Jenkins, Mary
 Knight, Alice Tirrell
 Leclerc, Charles J.
 Lozeau, Donnalee
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Pappas, Toni
 Perham, Lester R.
 Provost, Gilles R.
 Riley, Frances L.
 Steiner, Lee Anne
 Toomey, Daniel
 Vanderlosk, Stanley R.
 Wright, George W.

Frank, Nancy G.
 Haettenschwiller, A. A.
 Harlan, Susan N.
 Hultgren, David D.
 Johnson, Lionel W.
 Kurk, Neal M.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 McRae, Karen
 Nardi, Theodora P.
 Paquette, Rodolphe G.
 Pignatelli, Debora B.
 Record, Alice Barnard
 Sallada, Roland A.
 Stiles, Walter A.
 Tyree, Paul M.
 Wheeler, David K.

Gagnon, Gabrielle V.
 Hall, Betty B.
 Healy, Daniel J.
 Jasper, Shawn N.
 Keefe, Edmund M.
 Lawrence, Eva M.
 Lown, Elizabeth
 McDowell, James E.
 Messier, Irene M.
 Packard, Bonnie B.
 Pepino, Leo P.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Upton, Barbara Allen
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy
 Carter, Susan D.
 Fillion, Paul R.
 Hager, Elizabeth
 Holmes, Mary C.
 Kidder, William F.
 Millard, Elizabeth S.
 Shaw, Randall F.
 Stio, Peter M.
 Wallner, Mary Jane

Barberia, Richard A.
 Boucher, Laurent J.
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Smith, Gerald R.
 Teague, Bert
 Whittemore, James A.

Bardsley, Elizabeth S.
 Braiterman, Thea
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Phelps, James D.
 Soldati, Jennifer
 Trombly, Rick A.

ROCKINGHAM

Bell, Juanita
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Thomas U.
 Haynes, Richard L.
 Hollingworth, Beverly A.
 Katsakiores, Phyllis
 Lovejoy, Virginia K.
 Malcolm, Kenneth W.
 Micklon, Stephanie C.
 Parsons, Robert F.
 Roulston, Donald L.
 Sherburne, John L.
 Tufts, J. Arthur
 Wells, Henry E.

Benton, Richardson D.
 Campbell, Eunice M.
 Conroy, Janet M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Joseph A.
 McCarthy, John James, Jr.
 Pantelakos, Laura C.
 Raynowska, Bernard J.
 Scamman, W. Douglas, Jr.
 Skinner, Patricia M.
 Vaughn, Charles L.
 Wright, David B.

Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 McKinney, Betsy
 Parr, Ednapearl F.
 Ritzo, Eugene
 Schmidtchen, Rowland
 Splaine, John E., Sr.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Gilmore, Gary
 Martling, W. Kent
 Musler, George T.
 Pelley, Janet R.
 Stewart, Glenn W.
 Young, John B.

Bernard, Mary E.
 Foss, Patricia H.
 Lachance, Douglas
 McCann, William H., Jr.
 O'Brien, John
 Scharff, Thomas Edward
 Torr, Ann M.

Bickford, Drucilla
 Frechette, Roland A.
 Marston, Robert E.
 Merrill, Amanda
 Parks, Joe B.
 Spencer, Leo J.
 Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
 Harland, Jane A.
 Peyron, Fredrik

Domini, Irene C.
 Krueger, Richard H.
 Rodeschin, Beverly T.

Flint, Gordon B.
 MacAskill, Kenneth M.
 Schotanus, Merle W.

The substitute motion lost.

Rep. Grodin notified the Clerk that wished to be recorded in opposition to the motion.

Resolution adopted.

(Deputy Speaker Burns in the Chair)

HB 1028, relative to the number of events at which a club may serve liquor in a year. **OUGHT TO PASS WITH AMENDMENT.**

The Committee recognizes that HB 1028, as amended, is a solution for a limited number of larger clubs which operate function rooms in more populous areas of the state. It feels that the offering of additional event dates, at an additional fee, is in line with previous actions of the Committee. Vote 14-2. Rep. Thomas A. Behrens for Regulated Revenues

Amendment

Amend the bill by replacing section 1 with the following:

I Number of Events per Year. Amend RSA 178:7, II to read as follows:

II. The commission may issue to a club licensed under paragraph I an additional license to set up a separate bar facility to serve alcoholic beverages to private groups in a rental hall approved by the commission. This additional license shall allow the club to hold up to 18 events for a fee of \$450 per year [or] up to 36 events for a fee of \$750 per year *or up to 52 events for a fee of \$1,200 per year. Nothing in this paragraph shall be construed to limit a club to 52 events per year, if the appropriate fees are paid.* The club shall be responsible for compliance with the provisions of this title and any rules adopted hereunder during such events. The club shall notify the commission at least 5 days prior to the date of any scheduled private affair which will be serviced by such bar facility. The commission may suspend the use of such bar facility without affecting the status of any other license in effect on the club premises.

AMENDED ANALYSIS

This bill allows clubs to obtain an additional license to serve liquor at an unlimited number of private events in a year, if the appropriate fees are paid. Current law limits the number of events to 36 in a year.

Amendment adopted.

Ordered to third reading.

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. **OUGHT TO PASS WITH AMENDMENT.**

The majority of the Committee felt that the public intent when authorizing the lottery was that the revenues be used for education, and as such the Committee had no problem with this CACR. Vote 13-3. Rep. Stephen W. Buco for Regulated Revenues.

Amendment

Amend the resolution by replacing paragraphs III and IV with the following:

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1990 election an article to the following effect: To decide whether the s of the constitution proposed by the 1990 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution by providing that all moneys received from any state-run lottery and all interest received on such moneys, after deducting the necessary cost of administration, shall be used exclusively for the purpose of state aid to education?

Amendment adopted.

On a division vote, 303 members having voted in the affirmative and 14 in the negative, CACR 23 was ordered to third reading by the constitutionally-required three-fifths vote.

HB 1412-FN, relative to moorings. **REFER FOR INTERIM STUDY.**

It would be premature to expand mooring legislation at this time from the five lakes presently included in existing legislation to approximately 780 great ponds and 80 rivers.

Such an expansion would create chaos and would be impossible to enforce. The Committee would like to explore a realistic approach to possible expansion of mooring legislation in the future. Members would also like to explore the loss of access due to financial consideration by the average boat owner.

Suggestion was made by the Office of State Planning that the bill was impossible to administer. Testimony also suggested "phasing in" of the mooring program on additional bodies of water. The Committee suggests utilizing auxiliary marine patrol as established under RSA 270:12(c). The concept of the bill has merit and should be further studied. The bill in its present form is non-viable. Vote 14-0. Rep. Barbara R. Remick for Resources, Recreation and Development.

Report adopted.

HB 1008, relative to delivery of bills by manufactured housing park owners. **INEXPEDIENT TO LEGISLATE.**

The Committee voted against this bill because it covers a topic that is important, but is strictly an internal business matter. This topic should not be covered by statute. Vote 9-4. Rep. Scott E. Green for State Institutions and Housing.

Resolution adopted.

HB 1255, relative to rent justification in manufactured housing parks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

MAJORITY: The sponsors were persuasive in supporting their claim of unfair treatment of tenants by landlords in some manufactured housing parks. And while the majority understands the interest in finding a quick fix to the problem of high rents in

parks, it was not persuaded that requiring park owners to get Attorney General or Superior Court approval of any and all rent increases is justified.

A Committee may undertake a study of an issue related to the work of the Committee at the discretion of the Chair. The Committee voted to report out HB 1255 as Inexpedient to Legislate with the understanding that the Committee will undertake a study of trade practices in the manufactured housing park industry. If the Committee finds that legislative action is justified, Committee members agree to sponsor such legislation in the 1991 Session. Vote 12-2. Rep. Michael Hill for the Majority of State Institutions and Housing.

MINORITY: It is time for the Legislators to wake up to the plight of nearly 100,000 residents of this state that are being gouged by the landlords in the form of high rents on a very captive audience. Some relief must be given these seniors that are involved. Rep. Lowell D. Apple for State Institutions and Housing.

Reps. Lozeau and Michael Hill moved that HB 1255 be made a Special Order for Tuesday, January 30.

Motion adopted.

HB 1162-A, relative to the railroad banking program and making an appropriation therefor. **OUGHT TO PASS.**

This bill provides for the availability of funds to the Department of Transportation should they be required for acquisition of rail property through the exercise of the option granted by RSA 228:60-b. Vote 12-2. Rep. John Hoar for Transportation.

Report adopted.

Referred to Appropriations.

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident. **OUGHT TO PASS.**

This bill raises the amount of property damage for which a motor vehicle accident report is required from \$500 to \$1000. The bill also changes the law to allow 15 days instead of five for the reporting of an accident. Vote 14-2. Rep. Richard L. Haynes for Transportation.

Ordered to third reading.

HB 1024-FN-A, making an appropriation to hire a consultant to evaluate the foundation aid formula. **OUGHT TO PASS WITH AMENDMENT.**

The Education Committee feels very strongly that the technical and mechanical aspects of the Foundation Aid Formula should be studied. It was the intent of the original sponsors of the Foundation Aid Formula to study the formula after five years of implementation. This bill appropriates \$50,000 to have an independent consultant to study the formula. Vote 18-0. Rep. Herbert N. Foote for Education.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Purpose. The purpose of this act is to make an appropriation in order to hire a consultant to evaluate the effectiveness of the foundation aid formula as provided in 1988, 290:5. The consultant shall evaluate the technical aspects of the foundation aid formula in accordance with the criteria established under 1987, 264:1, III in the report of the committee to evaluate the foundation aid formula. The joint legislative facilities committee shall, upon the recommendation of the commissioner of education, hire the consultant, subject to the approval of governor and council.

2 Appropriation. The sum of \$50,000 for the fiscal year ending June 30, 1991, is appropriated to the joint legislative facilities committee for the purpose of funding section 1 of this act. Such sum shall be appropriated from excess sweepstakes revenues not specifically appropriated prior to July 1, 1989, as referred to in 1989, 414:4. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 1225-FN-A, relative to retirement benefits for certain legislative and constitutional officers and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This bill was amended by the Committee to implement the study of SB 89 dealing with retirement definition and benefits. This deals with all aspects of Group I retirees. Vote 13-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to define "retired state employee" for state employee group insurance purposes.

Amend the bill by replacing all after the enacting clause with the following:

1 Retired State Employee Defined; Medical and Surgical Benefits. RSA 21-I:30 is repealed and reenacted to read as follows:

21-I:30 Medical and Surgical Benefits.

I. The state shall pay the full premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee, as defined in paragraph II of this section, and his spouse, or retired employee's beneficiary, only if an option was taken at the time of retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan within the limits of the funds appropriated at each legislative session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

II. For the purposes of this section, "retired employee" means each state employee who:

(a) Has at least 10 years of creditable service for the state and who also is at least 60 years of age at the time of retirement; or

(b) Has at least 30 years of creditable service for the state at the time of retirement, regardless, of the employee's age; or

(c) Is otherwise eligible to receive medical and surgical benefits under this section notwithstanding subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

(d) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(e) Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

(f) Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his death, if the state employee had at least 10 years of creditable service for the state.

III. A vested deferred state retiree who has at least 10 years of creditable service for the state shall be defined as a "retired employee" for the purpose of being eligible to receive medical and surgical benefits under this section when the vested deferred retiree reaches age 60.

IV. Each state employee who has at least 10 years of creditable service for the state and who elects to take a reduced service retirement allowance shall be defined as a "retired employee" for the purposes of being eligible to receive medical and surgical benefits under this section when the state employee reaches age 60.

V. No state employee who terminates his state service before he becomes eligible for retirement benefits as a "retired employee" as defined under paragraphs II-IV shall be eligible for medical and surgical benefits under this section.

2 Application.

I. Any person who, on the effective date of this act, is a retired state employee, or such employee's spouse or beneficiary, eligible for and receiving medical and surgical benefits as a retired state employee or such employee's spouse or beneficiary pursuant to RSA 21-I:30 shall not be affected by this act.

II. Any state employee who retired on or after July 1, 1989, and on or before June 30, 1990, and who would have been eligible as a retired employee for medical and surgical benefits under RSA 21-I:30 but for the provisions of 1989, 376:10, shall be eligible to again become a member of the state medical and surgical plan at state expense on the effective date of this act.

III. The provisions of this act shall not affect the medical benefits payable to retired group II members under the provisions of RSA 100-A:52-55.

3 Repeal. 1989, 376:10, relative to medical benefits for the biennium ending June 30, 1991, is repealed.

4 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill defines who qualifies as a "retired state employee" in order to receive medical and surgical benefits under RSA 21-I:30.

The bill also repeals 1989, 376:10. The bill adds the provision that any state employee who retired on or after July 1, 1989, and on or before June 30, 1990, and who would have been eligible as a retired employee for medical and surgical benefits under RSA 21-I:30 but for the provision of 1989, 376:10, shall be eligible to again become a member of the state medical and surgical plan at state expense on the effective date of this act. This session law defined eligibility for medical benefits for active and retired state employees for the biennium ending June 30, 1991.

Rep. Reidy spoke against the amendment.

(Speaker in the Chair)

Rep. Powers spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HB 1061-FN, relative to old age assistance and aid to the permanently and totally disabled. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows towns and cities to provide assistance to Aid to the Permanently and Totally Disabled (APTD) without jeopardizing the recipients grant from the state.

The amendment clearly states that nothing in this section requires any city or town of the state to provide any other relief to any person receiving Old Age Assistance or Aid to the Permanently and Totally Disabled, who is not otherwise eligible for general assistance pursuant to RSA 165. Vote 14-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Local Welfare from Cities and Towns Permitted. Amend RSA 167:27 to read as follows:

167:27 Assistance, Exclusive, *Local Welfare from Cities and Towns Permitted.*

I. No person receiving old age assistance or aid to the permanently and totally disabled under this chapter or RSA 161 shall at the same time receive any other relief from the state[, or from any political subdivision thereof] *or county*, except for medical and surgical assistance[, and the acceptance of such relief shall operate as a revocation of old age assistance or aid to the permanently and totally disabled]. The names of persons receiving old age assistance or aid to the permanently and totally disabled under the provisions of this chapter or RSA 161 shall not be printed in any report of the county commissioners or of the director of the division of [welfare] *human services*, department of health and [welfare] *human services*, nor published in any state, county, or town report.

II. Nothing in this section shall require any city or town of the state to provide any other relief to any person receiving old age assistance or aid to the permanently and totally disabled who is not otherwise eligible for general assistance pursuant to RSA 165.

Rep. Sochalski moved that HB 1061 be recommitted to the Committee on Health, Human Services and Elderly Affairs.

Motion adopted.

HB 1383-FN, relative to drug and alcohol education and rehabilitation. OUGHT TO PASS WITH AMENDMENT.

House Bill 1383 recognizes the comprehensive network of services absolutely critical to fight the war on drug abuse. It also addresses the issues of collaborative planning between key agencies and coordination of efforts. What is presently being done is working well, according to the Office of Alcohol and Drug Abuse Prevention, but certainly needs to be expanded so that a combination of programs is implemented in every school in our state. This legislation has all the necessary components and recognizes the complexity of the substance abuse problem and the need to address it in a comprehensive manner. This legislation also is attempting to recognize the appropriate funding source. A penalty assessment of \$500 on any person convicted of a drug offense is to be deposited in the drug and alcohol education, prevention, and student assistance counseling and referral fund. The fund shall be used by the Director of the Office of Alcohol and Drug Abuse Prevention and the Commissioner of Education to develop these comprehensive drug and alcohol abuse education programs. Vote 13-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to drug and alcohol education, prevention, and student assistance counseling and referral programs.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Special Fund Established; Drug and Alcohol Education, Prevention, and Student Assistance Counseling and Referral Programs. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) Money received under RSA 318-B:27-a, which shall be credited to the drug and alcohol education prevention, and student assistance counseling and referral fund.

2 New Section; Alcohol and Drug Education Prevention and Student Assistance Counseling and Referral Programs. Amend RSA 172-B by inserting after section 5 the following new section:

172-B:6 Drug and Alcohol Education, Prevention and Student Assistance Counseling and Referral Programs.

I. The director shall be jointly responsible with the commissioner of education for developing drug and alcohol education, prevention, and student assistance counseling and referral programs as specified in RSA 186:11, IX and paragraph II of this section and pursuant to rules adopted in accordance with RSA 541-A. The director shall be responsible for developing drug and alcohol education and rehabilitation programs for adults under paragraph III of this section. These programs shall be financed from the drug and alcohol abuse, education, and student assistance counseling and referral fund.

II. The director shall develop jointly with the commissioner of education criteria for drug and alcohol education, prevention and student assistance counseling and referral programs which may be offered through the public schools or through other organizations approved by the director. These programs shall be available to any school-aged person legally enrolled in any elementary or secondary school in New Hampshire, subject to the availability of money in the drug and alcohol education, prevention and student assistance counseling and referral fund and shall be primarily for minors. When a minor has been referred to a rehabilitation program, the parents, or legal guardian shall become actively involved in the minor's rehabilitation program and to pay up to 25 percent of the total cost of the program. The required payments may be adjusted on the basis of a sliding fee scale in cases of financial hardship. Day and evening schedules shall be made available for the convenience of parents or legal guardians who are required to participate in the minor's rehabilitation program.

3 Duties of State Board of Education; Drug Education Program. Amend RSA 186:11, IX to read as follows:

IX. Instruction as to [Intoxicants] *Drugs, Alcohol* and Venereal Diseases. Investigate the condition and efficiency of public education with special reference to the instruction given in physiology and hygiene in relation to the effect of alcohol and other drugs and venereal diseases on the human system, prescribe such a course in respect to these subjects as will stimulate and guide public sentiment and give a detailed account of its doings in relation thereto in its biennial report. *The board shall require schools to offer a comprehensive drug education program for students enrolled in elementary and secondary schools. The program shall utilize updated pertinent materials and innovative approaches as are necessary for exposure and reinforcement of the dan-*

gers of drug and alcohol abuse throughout a student's attendance in the New Hampshire public school system. The commissioner of education, on behalf of the board, shall develop criteria for this program in conjunction with the office of alcohol and drug abuse prevention and the department of justice.

4 New Section; Penalty Assessment on Drug Offenses. Amend RSA 318-B by inserting after section 27 the following new section:

318-B:27-a Penalty Assessment. In addition to any other fine or penalty assessment prescribed under the law, there shall be a penalty assessment of \$500 on any person convicted of a first offense under this chapter. This penalty assessment shall increase in increments of \$500 for each subsequent offense under this chapter. The courts shall forward money collected under this section to the state treasurer for deposit in the drug and alcohol education, prevention, and student assistance counseling and referral fund.

5 Implementation of Drug and Alcohol Education, Prevention, and Student Assistance Counseling and Referral Programs. The director of the office of alcohol and drug abuse prevention and the state board of education shall adopt rules to implement programs under sections 2 and 3 of this act before January 1, 1991.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a special fund for drug and alcohol education, prevention, and student assistance counseling and referral programs financed from penalty assessments on drug offenses. The fund shall be used by the director of the office of alcohol and drug abuse prevention and the commissioner of education to develop comprehensive drug and alcohol abuse education programs for students and to provide drug rehabilitation programs for both minors and adults.

Rep. Sochalski yielded to questions.

Amendment adopted.

Referred to Appropriations.

HB 1203-FN-A, to tax all tobacco products. INEXPEDIENT TO LEGISLATE.

The Committee felt that this bill would not raise revenue as projected by the fiscal impact. It would be impossible to effectively and fairly tax all the different tobacco products that are sold in this state.

The exemptions for affixing tax stamps, the procedures for revenue collection under the submission of periodic report to the Commissioner by wholesalers in lieu of tax stamps and the general confusion over revenue projections, all contributed to the defeat of the bill by a 16-0 vote. (For these reasons this issue was also defeated in the 1975 Session). Rep. George Lemire for Regulated Revenues.

Rep. Lefebvre moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Kelley spoke against the motion.

Rep. Sytek moved that HB 1203 be laid on the table.

Adopted.

HB 1334-FN, relative to telephone utilities service territories. OUGHT TO PASS.

This bill provides the Public Utilities Commission with a procedure to resolve disputes between telephone utilities over the location of telephone utilities service territory boundaries. Legislation is needed because of increased growth in areas of the state

where the service territories have deviated from traditional boundaries. Vote 9-1. Reps. David B. Wright and Susan N. Harlan for Science, Technology and Energy.

Rep. Rodeschin moved that HB 1334 be recommitted to the Committee on Science, Technology and Energy.

Adopted.

(Speaker in the Chair)

The Committee on Ways and Means offered the following and moved its adoption:

HR 54, requesting an opinion of the justices concerning the constitutionality of HB 412-FN-A.

Whereas, there is pending in the House, House Bill 412-FN-A, as amended, "An Act to provide tax credits for employees under the business profits tax"; and

Whereas, RSA 77-A:1, XXI and XXII as proposed in HB 412-FN-A as amended add definitions of "compensated service" and "New Hampshire employee", respectively, for business profits tax purposes; and

Whereas, RSA 77-A:4, XV as proposed in HB 412-FN-A as amended would require adding to gross business profits the amount of all deductions taken by a business organization for wages, salaries, or other compensation for personal services actually rendered by employees; and

Whereas, RSA 77-A:5, VI as proposed in HB 412-FN-A as amended would allow the sum of the following credits against the tax due under the business profits tax:

(a) \$2,800 for each New Hampshire employee rendering 1,800 or more hours of compensated service to the business organization during the period for which a return must be filed under RSA 77-A.

(b) A prorata share of the credit provided in subparagraph (a), based upon the number of hours of compensated service, for each New Hampshire employee rendering less than 1,800 such hours to the business organization during the period for which a return must be filed.

(c) \$2,800 for each proprietor actually devoting 1,800 or more hours to the operation of the enterprise.

(d) A prorata share of the credit provided in subparagraph (c), based upon the number of hours actually devoted to the operation of the enterprise, for each proprietor devoting less than 1,800 such hours during the period for which a return must be filed; and

Whereas, the unnumbered concluding paragraph of RSA 77-A:5 as proposed in HB 412-FN-A as amended would allow the unused portion of the credit to be carried forward for 5 years following the year in which the credit was generated, with the total amount of any such credit carried forward not to exceed \$20,000 per year or \$100,000 in total; and

Whereas, HB 412-FN-A as amended repeals the deduction under RSA 77-A:4, III for fair and reasonable compensation for personal services; and

Whereas, the stated purposes of the bill are to encourage employment in this state and to spread the burden of taxation more equally among the business organizations already subject to the business profits tax; and

Whereas, a question has arisen as to the constitutionality of the provisions of said bill as amended; and

Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

Resolved by the House:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would enactment of HB 412-FN-A, which amends the business profits tax by effectively repealing with respect to all business organizations the deduction for wages, salaries, or other compensation for personal services of employees, partners or proprietors, have the effect of impermissibly classifying taxpayers under Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

2. If the answer to question 1 is in the negative, would imposition of the business profits tax on taxable business profits calculated without the benefit of a deduction for compensation for personal services of employees, partners or proprietors, violate the requirements for equality and proportionality mandated by Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

3. Would the provision of HB 412-FN-A that allows a credit against the business profits tax equal to \$2,800 for each "New Hampshire employee", as that term is defined by HB 412-FN-A, or proprietor rendering 1,800 or more hours of compensated service to the business organization during the tax year, prorated in the case of New Hampshire employees or proprietors rendering less than 1,800 hours of service during the tax year, violate the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution because it effectively creates a discriminatory or disproportionate system of taxation, or impermissibly classifies taxpayers for purposes of taxation?

4. Would allowance of the credit as so proposed offend the constitutional requirements that such an exemption from tax be reasonable and uniform, as stated in Opinion of the Justices, 131 N.H. 640, 642 (1989)?

5. If the answers to questions 3 and 4 are in the negative, would the carryover provisions of HB 412-FN-A, which allow the unused portion of the credit to be carried forward for 5 years following the year in which the credit was generated, but which limit the total amount of the carryover to \$20,000 per year or \$100,000 in total, violate any provision of the New Hampshire Constitution?

6. In all respects other than those to which the preceding questions relate, is HB 412-FN-A constitutional?

That the clerk of the house of representatives transmit copies of this resolution and HB 412-FN-A, as amended, to the Justices of the New Hampshire Supreme Court.

Resolution adopted.

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, January 30 at 1:00 p.m.

On a division vote, 304 members having voted in the affirmative and 1 in the negative, CACR 23 was read a third time and passed by the constitutionally-required three-fifths.

Adopted.

LATE SESSION

Third reading and final passage

HB 1013, reviving the charter of the New Hampshire Karting Association.

HB 1204-FN, reinstating the corporate charter of the Waltham Screw Co., Inc.

HB 1286, relative to special education.

HB 1270-FN, relative to the enforcement of the hazardous waste laws.

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement.

HB 1053, relative to the patients' bill of rights.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities.

HB 1347-FN-A, relative to quality assurance records of community mental health programs.

HB 1208-FN, reducing certain misdemeanors to violations.

HB 1228-FN, relative to preparation of master jury lists by computer.

HB 1441-FN, relative to medicaid fraud.

HB 1190-FN, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects.

HB 1367-A, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building.

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members.

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees.

HB 1026, relative to the definition of public access to public waters.

HB 1219-FN, relative to the oil discharge and disposal cleanup fund.

HB 1404-FN-A, establishing a study committee on shoreland protection and standards for such protection.

HB 1069-FN, relative to the dig-safe law.

HB 1104, relative to the motor vehicle laws.

HB 1389-FN-A, relative to the taxation of banks.

HB 1146-FN, relative to confidential information concerning a child who is subject to placement with persons or agencies.

HB 266-FN, requiring employers to offer health benefits to part-time employees.

HB 1072-FN, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation.

HB 690, relative to surplus funds and expenditures by candidates.

HB 1175-FN, establishing a committee to study choice in education.

HB 1283-FN, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant.

HB 1357, relative to the rulemaking authority of the commissioner of environmental services.

HB 1049-FN, relative to fishing licenses for non-institutionalized developmentally disabled persons.

HB 1099, relative to controlled drugs and pharmacy licensing.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only.

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 5:00 p.m.

HOUSE JOURNAL No. 7

Wednesday, January 31, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Janet MacGray, Congregational/Baptist Church of Chester, guest of Rep. Richardson Benton.

God of all people and nations—present in this room and in every gathering of this legislative body—we pause, recognizing Your Presence and acknowledging our dependence upon a power and a mind far greater than our own.

We are grateful, O God, that we live within a nation that is governed by and for the people, and that there are those who have pledged themselves to preserve the rights of, and seek justice for, all individuals.

Today, as this New Hampshire House of Representatives begins another week of deliberation and decision, work within the hearts and minds of these men and women that they might have the insight and courage to insure these rights; that their ears might be open to the voices of people who cry for justice and peace, for understanding and compassion; and that their motives for action might reflect moral and ethical integrity in all circumstances.

As we look around our beautiful state made up of field and forest, ocean and stream, mountain and plain, city and town, help us to acknowledge, O God, our responsibility as caretakers of Your creation. Grant each of us the insight and wisdom to preserve it in a wholesome manner and with a vision not just for today or tomorrow, but for generations to come.

Help us, O God, to trust and believe in the best we know, to do the best we know, to do the best we can, and to be the best we are as we strive to act justly, to show constant love for one another, and as we live in humble fellowship with You, our God. Amen.

Rep. Fields led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Burton, Daniel Eaton, Kincaid, Locke, Pierce, Rice, Sanderson, Lillian Soucy and Wall, the day, illness.

Reps. Lionel Boucher, Bucu, Callaghan, A. Gibb Dodge, Doucette, Drake, Robert Foster, Hoelzel, Kuchinski, MacKinnon, William McCann, Musler, Salatiello, Wells and West, the day, important business.

INTRODUCTION OF GUESTS

Valerie Toomey, daughter and guest of Rep. Daniel Toomey; Laura Wadsworth, Celeste Bisson and Kristin Helley, guests of Rep. Katherine Foster; Florence Quast, guest of Rep. David Wheeler.

COMMUNICATIONS

Honorable W. Douglas Scamman, Jr.
Speaker of the House

Dear Mr. Speaker:

Due to my moving from Ward 3 to Ward 2 in Claremont I respectfully resign my House seat representing Ward 3, District 7, Sullivan County on this 16th day of January, 1990.

Rep. Edward A. Lucier

Mr. James Chandler
Clerk of the House of Representatives

Dear Mr. Chandler:

This is to advise you that the following representatives-elect were sworn into office by the Governor and Executive Council on January 31.

Grafton County District No. 6 (Campton, Dorchester, Ellsworth, Rumney, Thornton, Waterville Valley, Wentworth)

Paul R. White, r, Thornton (P.O. Box 909) 03223

Hillsborough County District No. 24 (Nashua Ward-3)

Henry F. Spaloss, d, Nashua (1 Blue Jay Hill) 03060

Rockingham County District No. 10 (Kingston, Newton)

Kenneth L. Weyler, r, Kingston (23 Scotland Road) 03848

Sincerely,

William M. Gardner, Secretary of State

**SENATE MESSAGE
NONCURRENCE**

HB 612-FN, establishing a committee to study nursing home care costs paid by counties.

HB 730-FN, relative to local cease and desist orders for zoning, planning and code violations.

VACATE

Rep. Dickinson moved that the House vacate the reference of SB 388, relative to ski patrol personnel qualifications and licensing, be vacated to the Committee on Resources, Recreation and Development.

Adopted.

The Speaker referred SB 388 to the Committee on Executive Departments and Administration.

APPROPRIATIONS COMMITTEE PRESENTATION

Reps. Gross, Kidder, Townsend, LaMott and Hager spoke on the budget.

Rep. Lawrence Chasenoting that HB 1500-A was scheduled for House floor action on February 1, moved that HB 1500-A be made a Special Order for Thursday, February 8, and spoke to his motion.

Rep. Gross spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 97

NAYS 233

**YEAS 97
BELKNAP**

Campbell, Richard H., Jr. Vogler, Charles C.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Blacketor, Paul G. Foster, Katherine Davis LaMar, David M.
Metzger, Katherine H. Young, David A.

COOS

Buckley, C. Fitzgerald, III Lemire, George Mayhew, Josephine
Theriault, Romeo J. Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L. Copenhaver, Marion L. Nordgren, Sharon
Rose, William B. Stewart, Roger Teschner, Douglass P.

HILLSBOROUGH

Barry, Janet Gail Bourque, Ann J. Cote, David E.
Cox, Gladys M. Desrochers, Gerard T. Domaingue, Jacquelyn
Dube, Ellen C. Dykstra, Leona Emerton, Lawrence
Flood, Jacqueline J. Foote, Herbert N., Sr. Frank, Nancy G.
Gagnon, Gabrielle V. Green, Scott E. Haettenschwiller, A. A.
Hunter, Bruce F. Jasper, Shawn N. Johnson, Lionel W.
King, John A. Lawrence, Norman B. Leclerc, Charles J.
Lozeau, Donnalee McDowell, James E. McRae, Karen
Moore, Elizabeth A. Ouellette, Robert O. Packard, Bonnie B.
Pignatelli, Debora B. Riley, Frances L. Tarpley, Nancy L.
Turgeon, Roland M. Wheeler, David K.

MERRIMACK

Apple, Lowell D. Beaton, Nancy Bennett, J. Allen
Braiterman, Thea Fair, Patricia A. Gilbreth, Robert M.
Shaw, Randall F. Soldati, Jennifer Wallner, Mary Jane
Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III Brown, Jeffrey M. Brown, Lewis W.
Chase, Lawrence A., Jr. Cote, Patricia L. Dube, LeRoy S.
Flanders, Harry E. Gage, Beverly A. Gourdeau, Raymond H.
Hollingworth, Beverly A. Kane, Cecelia D. Klemarczyk, Thaddeus E.
Lovejoy, Virginia K. Malcolm, Kenneth W. McCain, William F.
Palazzo, Frank J., Sr. Pantelakos, Laura C. Parsons, Robert F.
Popov, Elizabeth M. Rosencrantz, James R. Roulston, Donald L.
Schmidtchen, Rowland Senter, Marilyn P. Sherburne, John L.
Splaine, John E., Sr. Vaughn, Charles L. Warburton, Calvin
Weddle, Michael Rodney Welch, David A.

STRAFFORD

Appleby, James E. Gilmore, Gary O'Brien, John
Pelley, Janet R. Spencer, Leo J. Vincent, Francis C.

SULLIVAN

Harland, Jane A.

**NAYS 233
BELKNAP**

Bolduc, Dennis R.
Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.

Golden, Paul A.
Maviglio, Steven R.
Richardson, Lawrence
Ziegra, Alice S.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Kenneth A.
Delano, Robert F.
Hill, Douglas E.
Matson, William R.
Perry, David M.
Spear, Susan

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Morse, Jo-Ann T.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Merrill, Gerald

Burns, Harold W.
Kilbride, Dennis J.
Nelson, Harold D.

Dumont, Robert E.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
Chambers, Mary P.
Hill, Richard L.
Markley, J. Keith
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Densmore, Edward D.
LaMott, Paul I.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bicknell, Robert C.
Cowenhoven, Garret P.
Dionne, Paul R.
Drabinowicz, A. Theresa
Fields, Dennis H.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jenkins, Mary
Knight, Alice Tirrell
Lachut, Ervin R.
Lown, Elizabeth
McNerney, Daniel P.

Alukonis, David J.
Baldizar, Barbara J.
Bowers, Dorothy C.
Daigle, Robert Arthur
Dodge, Emma M.
Drolet, Paul L.
Ford, Nancy M.
Hanselman, Gregory L.
Hultgren, David D.
Keefe, Edmund M.
Kress, Gloria W.
Lawrence, Eva M.
Mason, Howard F.
Messier, Irene M.

Amidon, Eleanor H.
Barry, Vivian
Burkush, Peter
Desrosiers, William J.
Donovan, Francis X.
Dwyer, Patricia R.
Goulet, Maurice E.
Harlan, Susan N.
Jean, Romeo W.
Kelley, Robert N.
Kurk, Neal M.
Lefebvre, Roland J.
McCann, Bonnie Lou
Morrissette, Roland

Murphy, Robert E.
Pappas, Toni
Perham, Lester R.
Reidy, Frank J.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Steiner, Lee Anne
Tyree, Paul M.
Wright, George W.

Nardi, Theodora P.
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Stiles, Walter A.
Upton, Barbara Allen
Young, Willard N.

O'Rourke, JoAnne A.
Pepino, Leo P.
Record, Alice Barnard
Robinson, Ellen-Ann
Schneiderat, Catherine
Spaloss, Henry F.
Toomey, Daniel
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Stio, Peter M.

Asplund, Bronwyn L.
Boucher, Laurent J.
Dunn, Miriam
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Teague, Bert

Barberia, Richard A.
Carter, Susan D.
Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Smith, Gerald R.
Tolpin, Richard W.

ROCKINGHAM

Bell, Juanita
Campbell, Eunice M.
Conroy, Janet M.
Fesh, Robert M.
Ford, Bert H.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
McCarthy, John James, Jr.
Parr, Ednappearl F.
Seward, Russell G.
Sochalski, Matthew M.
Vartanian, Elsie

Benton, Richardson D.
Campbell, Marilyn R.
Cooke, Annette M.
Flanagan, Natalie S.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Mace, Ada L.
McKinney, Betsy
Raynowska, Bernard J.
Simon, Peter M.
Sytek, Donna
Weyler, Kenneth L.

Blanchard, MaryAnn N.
Caswell, Albert, Jr.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
Hynes, Carolyn E.
Katsakiores, Phyllis
MacDonald, Joseph A.
Magoon, Harold F.
Micklon, Stephanie K.
Remick, Barbara R.
Skinner, Patricia M.
Tufts, J. Arthur
Wright, David B.

STRAFFORD

Bernard, Mary E.
Dionne, Albert J.
Frechette, Roland A.
Marston, Robert E.
Scharff, Thomas Edward
Swope, Warren L.
Young, John B.

Bickford, Drucilla
Flynn, Anita A.
Keans, Sandra Balomenos
Martling, W. Kent
Stewart, Glenn W.
Torr, Ann M.

Brown, Julie M.
Flynn, Edward J.
Kinney, Paula J.
Parks, Joe B.
Sullivan, Henry P.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith

Domini, Irene C.
Krueger, Richard H.

Flint, Gordon B.
MacAskill, Kenneth M.

Middleton, John A.
Schotanus, Merle W.,
and the motion lost.

Peyron, Fredrik

Rodeschin, Beverly T.

Rep. Scott Green wished to be recorded in favor of the motion.

Reps. Gross and Chambers offered the following resolution:

HOUSE RESOLUTION NO. 55

honoring Anita Hickey of Concord on her retirement

WHEREAS, a gentlewoman is defined as one of gentle and refined manner; a well-bred woman of character and fine feelings, and

WHEREAS, in the collective opinion of her family, her friends, and her colleagues, Anita Hickey is a woman who epitomizes that definition, and

WHEREAS, for twenty-eight years, Anita Hickey has been a faithful, dependable and dedicated State of New Hampshire employee, working eleven years for the Department of Public Works and Highways, and for the last seventeen years with the Office of Legislative Services, and

WHEREAS, since that first day of January in the Year of Our Lord, Nineteen Hundred and Seventy-Three when she first arrived in the Office of Legislative Services, Anita Hickey has worked many long hours, nights and on weekends, helping to make legislative life smoother and more tolerable, and

WHEREAS, being a woman of great competency, energy and industriousness, Anita Hickey, has been, throughout her outstanding tenure in the Office of Legislative Services, a vital cog in the legislative mechanism, contributing greatly to the successful computerization of bill drafting, bill amending and statute retrieval and records management, and

WHEREAS, Anita Hickey has earned the praise, confidence, admiration and esteem of all who have crossed her path and come to know of her many skills and vast knowledge, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened that Anita Hickey, on this occasion marking her retirement, be granted the highest of accolades and praise for her outstanding service of twenty-eight years to the state of New Hampshire, and be it further

RESOLVED, that Anita Hickey receive warm wishes for an enjoyable and comfortable retirement, and that a suitable copy of this Resolution be prepared for presentation to her.

Adopted unanimously.

The Speaker presented Mrs. Hickey with the resolution and she addressed the House briefly.

COMMITTEE REPORTS

SPECIAL ORDER

HB 1255, relative to rent justification in manufactured housing parks. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: The sponsors were persuasive in supporting their claim of unfair treatment of tenants by landlords in some manufactured housing parks. And while the majority understands the interest in finding a quick fix to the problem of high rents in parks, it was not persuaded that requiring park owners to get Attorney General or Superior Court approval of any and all rent increases is justified.

House Committees may under the rules, undertake studies of issues related to the work of the Committee at the discretion of the Chairman. The Committee voted to

report out HB 1255 as Inexpedient to Legislate with the understanding that the Committee will study trade practices in the manufactured housing park industry. If the Committee finds that legislative action is justified, Committee members agree to sponsor such legislation in the 1991 Session. Vote 12-2. Rep. Michael Hill for the Majority of State Institutions and Housing.

MINORITY: It is time for the Legislators to wake up to the plight of nearly 100,000 residents of this state that are being gouged by the landlords in the form of high rents on a very captive audience. Some relief must be given these seniors that are involved. Rep. Lowell D. Apple for State Institutions and Housing.

Rep. Lozeau moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Hill spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 154**NAYS 175****YEAS 154
BELKNAP**

Bolduc, Dennis R.
Ziegra, Alice S.

Golden, Paul A.

Maviglio, Steven R.

CARROLL

Daly, Robert J., Jr.

Dickinson, Howard C., Jr.

MacDonald, Kenneth J.

CHESHIRE

Blacketor, Paul G.
Pearson, Gertrude B.

Cole, Kenneth A.
Pratt, Irene A.

Matson, William R.
Spear, Susan

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Mayhew, Josephine
Theriault, Romeo J.

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Dumont, Robert E.
Lemire, George
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Nordgren, Sharon
Shackett, Ralph E.

Brown, Channing T.
Guest, Robert H.
Rose, William B.
Stewart, Roger

Chambers, Mary P.
Larson, Nils H., Jr.
Scanlan, David M.
Ward, Kathleen W.

HILLSBOROUGH

Amidon, Eleanor H.
Bourque, Ann J.
Cote, David E.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Flood, Jacqueline J.
Haettenschwiller, A. A.
Healy, Daniel J.
Johnson, Lionel W.
Lachut, Ervin R.
Mason, Howard F.

Andrews, Frederick B.
Bowers, Dorothy C.
Domaingue, Jacquelyn
Drolet, Paul L.
Elliott, Larry G.
Foote, Herbert N., Sr.
Hanselman, Gregory L.
Hunter, Bruce F.
Keefe, Edmund M.
Lefebvre, Roland J.
Moore, Elizabeth A.

Baldizar, Barbara J.
Burkush, Peter
Donovan, Francis X.
Dube, Ellen C.
Emerton, Lawrence
Gagnon, Gabrielle V.
Harlan, Susan N.
Jean, Romeo W.
King, John A.
Lozeau, Donnalee
Morrisette, Roland

Nardi, Theodora P.
 Paquette, Rodolphe G.
 Prestipino, Bartolo V.
 Smith, Leonard A.
 Tyree, Paul M.
 Young, Willard N.

O'Rourke, JoAnne A.
 Pepino, Leo P.
 Reidy, Frank J.
 Spaloss, Henry F.
 Vanderlosk, Stanley R.

Packard, Bonnie B.
 Pignatelli, Debora B.
 Robinson, Ellen-Ann
 Toomey, Daniel
 Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
 Daneault, Gabriel
 Hall, Douglas E.
 Shaw, Randall F.
 Wallner, Mary Jane

Beaton, Nancy
 Dunn, Miriam
 Jacobson, Alf E.
 Smith, Gerald R.

Bennett, J. Allen
 Fillion, Paul R.
 Pantzer, Eugene
 Soldati, Jennifer

ROCKINGHAM

Bell, Juanita
 Brown, Lewis W.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Hynes, Carolyn E.
 MacDonald, Joseph A.
 Malcolm, Kenneth W.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Roulston, Donald L.
 Skinner, Patricia M.
 Vaughn, Charles L.
 Welch, David A.

Boucher, William Paul
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Hoar, John, Jr.
 Kane, Cecelia D.
 Mace, Ada L.
 McCain, William F.
 Pantelakos, Laura C.
 Raynowska, Bernard J.
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Warburton, Calvin

Brown, Jeffrey M.
 Cooke, Annette M.
 Fesh, Robert M.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Parsons, Robert F.
 Ritzo, Eugene
 Sherburne, John L.
 Splaine, John E., Sr.
 Weddle, Michael Rodney

STRAFFORD

Appleby, James E.
 Dionne, Albert J.
 Martling, W. Kent
 Pelley, Janet R.
 Vincent, Francis C.

Bickford, Drucilla
 Gilmore, Gary
 O'Brien, John
 Spencer, Leo J.

Brown, Julie M.
 Keans, Sandra Balomenos
 Parks, Joe B.
 Sullivan, Henry P.

SULLIVAN

Burling, Peter Hoe
 Hinrichsen, Keith

Domini, Irene C.
 Krueger, Richard H.

Harland, Jane A.
 Schotanus, Merle W.

NAYS 175 BELKNAP

Campbell, Richard H., Jr.
 Pearson, Ralph W.
 Rosen, Ralph J.

Hardy, Earle D.
 Randall, Kenneth A.
 Turner, Robert H.

Holbrook, Robert G.
 Richardson, Lawrence
 Vogler, Charles C.

CARROLL

Allard, Nanci A.
 Saunders, Howard N.

Olimpio, J. Lisbeth
 Wiggins, Allen R.

Powers, Gerard E., Jr.

CHESHIRE

Cole, Stacey W.
 Foster, Katherine Davis

Crutchley, Donald O.
 Gordon, Irvin H.

Delanò, Robert F.
 Grodin, Richard A.

Hill, Douglas E.
Laurent, John J.
Perry, David M.

Hunt, John B.
Metzger, Katherine H.
Sawyer, Alfred P.

LaMar, David M.
Morse, Jo-Ann T.
Young, David A.

COOS

Burns, Harold W.

Horton, Lynn C.

Merrill, Gerald

GRAFTON

Adams, Carl S.
Dow, David
LaMott, Paul I.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Driscoll, William J.
Markley, J. Keith
Wadsworth, Karen O.
White, Paul R.

Bennett, Shirley M.
Hill, Richard L.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Daigle, Robert Arthur
Dionne, Paul R.
Fields, Dennis H.
Goulet, Maurice E.
Holden, Carol H.
Jenkins, Mary
Kress, Gloria W.
Lawrence, Norman B.
McCann, Bonnie Lou
McRae, Karen
Ouellette, Robert O.
Rheault, Lillian I.
Sallada, Roland A.
Steiner, Lee Anne
Turgeon, Roland M.

Alukonis, David J.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Dodge, Emma M.
Ford, Nancy M.
Green, Scott E.
Hultgren, David D.
Kelley, Robert N.
Kurk, Neal M.
Leclerc, Charles J.
McDowell, James E.
Messier, Irene M.
Pappas, Toni
Riley, Frances L.
Schneiderat, Catherine
Stiles, Walter A.
Upton, Barbara Allen

Barry, Janet Gail
Cox, Gladys M.
Desrosiers, William J.
Dykstra, Leona
Frank, Nancy G.
Gureckis, Adam C., Sr.
Jasper, Shawn N.
Knight, Alice Tirrell
Lawrence, Eva M.
Lown, Elizabeth
McNerney, Daniel P.
Murphy, Robert E.
Record, Alice Barnard
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Wright, George W.

MERRIMACK

Asplund, Bronwyn L.
Boucher, Laurent J.
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Tolpin, Richard W.

Barberia, Richard A.
Braiterman, Thea
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Stio, Peter M.
Whittemore, James A.

Bardsley, Elizabeth S.
Carter, Susan D.
Gilbreth, Robert M.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Campbell, Eunice M.
Felch, Charles H., Sr.
Ford, Bert H.
Gourdeau, Raymond H.
Johnson, Robert A.
Klemarczyk, Thaddeus E.

Benton, Richardson D.
Campbell, Marilyn R.
Flanders, Harry E.
Gage, Beverly A.
Greene, Elizabeth A.
Katsakiores, George N.
Klemm, Arthur P., Jr.

Blanchard, MaryAnn N.
Conroy, Janet M.
Flanders, John W., Sr.
Gage, Thomas U.
Haynes, Richard L.
Katsakiores, Phyllis
MacDonald, Maurice B.

McKinney, Betsy
Remick, Barbara R.
Seward, Russell G.
Tufts, J. Arthur
Wright, David B.

Micklon, Stephanie K.
Rosencrantz, James R.
Simon, Peter M.
Vartanian, Elsie

Parr, Ednapearl F.
Schmidtchen, Rowland
Sytek, Donna
Weyler, Kenneth L.

STRAFFORD

Bernard, Mary E.
Frechette, Roland A.
Scharff, Thomas Edward
Torr, Ralph W.

Flynn, Anita A.
Kinney, Paula J.
Stewart, Glenn W.
Young, John B.

Flynn, Edward J.
Marston, Robert E.
Swope, Warren L.

SULLIVAN

Behrens, Thomas A.
Middleton, John A.
Stamatakis, Carol M.,

Flint, Gordon B.
Peyron, Fredrik

MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the substitute motion lost.

Reps. Apple and Ann Torr abstained from voting under Rule 16.

Resolution adopted.

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor, was removed at the request of Rep. Gilbreth.

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor, was removed at the request of Rep. Gilbreth.

HB 700, imposing minimum mandatory sentences for felonious use of firearms, was removed at the request of Rep. Gross.

HB 1082, making an appropriation to the Wallop-Breaux fund, was removed at the request of Rep. Gilbreth.

Adopted.

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price. (A) OUGHT TO PASS WITH AMENDMENT.

The Committee believed this bill would provide a vehicle to inform consumers of the exact price of a grocery item. The Agriculture Department can enforce the provisions of the law within its current budget. Vote 20-0. Rep. Stacey W. Cole for Appropriations.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1991.

HB 725-FN, relative to the highway fund. (A) OUGHT TO PASS.

This bill has no effect on the present budget. It will come into effect on July 1, 1991 and will benefit the highway fund in the future. Vote 19-0. Rep. Laurent J. Boucher for Appropriations.

HB 1277-FN-A, providing technical assistance for local drug law enforcement and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The concerns of this bill are addressed in **HB 1094** where a committee will look into a process to monitor and coordinate all drug-related activities within the different agencies. Vote 20-0. Rep. Lee Anne S. Steiner for Appropriations.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies. **(A) OUGHT TO PASS.**

This bill provides for a recycling and waste reduction program in state government. The Committee determined that appropriated funds are unnecessary. Vote 20-0. Rep. Philip H. Weymouth for Appropriations.

HB 1108-FN, establishing a committee to study child care in public and private sector buildings. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes a committee to study ways to promote the establishment of child day care facilities in public and private sector buildings. The Committee will also study zoning codes and planning regulations which prohibit or heavily regulate the establishment of child care facilities. The amendment adds representatives from business and public schools to the Committee. Vote 14-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing section 2 with the following:

2 Membership. The members of the committee shall be:

I. Two members from the house of representatives, appointed by the speaker of the house.

II. Two members from the senate, appointed by the president of the senate.

III. The attorney general or designee.

IV. The commissioner of the department of health and human services, or designee.

V. The president of the New Hampshire Child Care Association, or designee.

VI. A co-chair of the New Hampshire Family Day Care Association, or designee.

VII. Three members of the general public, one a sitting member of a planning board, one a sitting member of a zoning board of adjustment, and one an operator of a child care facility, appointed by the governor.

VIII. The president of the Business and Industry Association, or designee.

IX. The chairperson of the New Hampshire Child Day Care Advisory Committee, or designee.

X. One member of the New Hampshire School Boards Association, appointed by its executive director.

HB 1316-FN, relative to the uniform reciprocal enforcement of support act. **OUGHT TO PASS WITH AMENDMENT.**

This bill was proposed at the request of the Division of Human Services in response to federal mandates. The bill proposes changes to the Uniform Reciprocal Enforcement of Support Act (UREA). This is the body of law which governs all interstate child support cases. It also recognizes the Central Interstate Registry. Finally, the bill changes outdated terms. Vote 15-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect 60 days after its passage.

HB 1090-FN, relative to state regulatory board and commission members. INEXPEDIENT TO LEGISLATE.

This bill, as written, applies only to a board or commission member who allegedly solicited advertising from a business that is regulated by the board/commission. The Committee believes that this violation or any other conflict of interest violation by a state board or commission member can be handled under present law. Vote 11-0. Rep. Randall F. Shaw for Executive Departments and Administration.

HB 1154-FN, establishing a committee to study the professional conduct of engineers and land surveyors. INEXPEDIENT TO LEGISLATE.

The Committee finds no need for a study committee to consider ethical standards for engineers, architects, land surveyors, and natural scientists. RSA 310-A gives the board ample authority to establish and enforce rules of ethical conduct. If there are specific problems in administering the law, then the boards involved should request specific changes. Vote 11-0. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 1226-FN, relative to leave sharing policies. REFER FOR INTERIM STUDY.

Interim study is the appropriate recommendation for this bill. The Committee thinks that a leave-sharing program for state employees is worthy of consideration — if not by negotiation, then by legislation. The study should include methods of implementation, comparing with other states having programs now in place. Interim study should also include establishment of a “pool” of contributed funds to be used for leave-sharing needs. Vote 11-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

HB 1394-FN, relative to the time for electing an optional retirement allowance or survivorship option. OUGHT TO PASS WITH AMENDMENT.

The amendment rewrites the bill and incorporates subject matter from HB 1213 and HB 1395. Under present law, a Retirement System member may elect, at the time of retirement, to receive an optional survivorship allowance of actuarial equivalent value to the regular retirement benefit. The amended bill makes three changes: (1) the option can be elected in advance, any time after the member becomes eligible to retire, so that if the member then dies before retirement, the surviving spouse can choose either the allowance under the retirement option or the regular death-benefit allowance; (2) when the beneficiary was the retiree's spouse, but is divorced and subsequently remarried, the retiree may cancel the option; (3) a 6-months window is opened during which a retiree who did not elect an option at retirement may elect one now. Since all options are of equivalent value, this bill has no fiscal impact. Vote 11-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the election of optional retirement allowances.

Amend the bill by replacing all after the enacting clause with the following:

1 Election of Optional Retirement Allowance. The introductory paragraph of RSA 100-A:13 is repealed and reenacted to read as follows:

I. Any member who has reached service retirement age as provided in RSA 100-A:5, I(a) or II(a), or RSA 100-A:19-b, or any retiree within 120 days after the effective date of retirement, may elect to receive, instead of the retirement allowance otherwise payable, a retirement allowance of equivalent actuarial value under one of the options named in paragraph III, or to redesignate any such option previously elected. The notice of election or change of retirement option shall be on a form designated by the board. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election or change of option if made during the 120 day grace period. When an election or change of option is made during the 120 day grace period, no retroactive adjustments will be made in payments already received by the retiree. After expiration of the 120 day grace period no change in option selection shall be permitted except as provided in paragraph II. If a retiree dies after filing notice of election or change of option during the 120-day grace period but before the effective date, the election or change shall be effective as of the date of death. If a member dies after filing an election for a survivorship retirement option and before the effective date of retirement, whether or not the member has filed for retirement, the beneficiary who was nominated by the member in the election of the option may elect to receive either the optional survivor benefit which the member had elected or the ordinary death benefit provided under RSA 100-A:9, whichever is more advantageous to the beneficiary; provided that, in the case of the member's death before retirement, if the beneficiary named in the survivorship option election is not the same person as the beneficiary under RSA 100-A:9, then the death benefit under RSA 100-A:9, II, and not the survivorship option shall apply.

II. Any retired member who has elected option 2, 3 or 4, and whose beneficiary nominated by the retiree under such option was the retiree's spouse at the time of such election, may terminate such elected option upon the issuance of a divorce decree and subsequent remarriage of the former spouse. Upon termination, the allowance received under the elected option shall be converted to the retirement allowance that would have been payable in the absence of such election. Any supplemental allowance, of COLAs, granted to the retiree and effective before the date of termination of the option shall continue in effect and shall not be adjusted as a result of the termination. Notice of such termination shall be given by the retiree, on a form designated by the board, within 90 days after the date of remarriage, and shall become effective on the first day of the month following receipt of such notice by the board. If the retiree dies after giving valid notice of such termination but before the effective date, the option shall terminate as of the date of the retiree's death.

III. The options, each of which shall be of equivalent actuarial value to the allowance payable in the absence of election of an option, are:

2 Right to Elect Optional Retirement Allowance. Notwithstanding any provision of RSA 100-A:13 to the contrary, any retired member of the New Hampshire retirement system or a predecessor system, who retired prior to July 1, 1988, and who did not elect any survivorship option at the time of retirement or during the 120-day grace period thereafter, may elect, between July 1, 1990 and December 31, 1990, to convert the retirement allowance which the retiree is receiving into one of the survivorship options listed in RSA 100-A:13. The optional allowance shall be of equal actuarial value to the allowance the retiree is receiving as of July 1, 1990. Any supplemental

allowances, or COLAs, granted to the retiree before the effective date of the option shall terminate on such effective date, but the value of such COLAs shall be included in the actuarial determination of the amount of the allowance payable under the elected option. Except as otherwise provided in this section, the provisions of RSA 100-A:13, I shall apply in the same manner as if the election of an optional survivorship allowance were made during the 120-day grace period after retirement.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill amends RSA 100-A:13 relative to the time for electing optional retirement allowances, terminating optional retirement allowances, and electing survivorship options.

Referred to Appropriations.

HB 1035, relative to biennial fish and game hearings. OUGHT TO PASS WITH AMENDMENT.

This bill allows the Fish and Game Department to hold its annual public hearings on fishing rules at an earlier date and in the Department's new offices in Concord and Lancaster. Vote 13-0. Rep. Harold F. Magoon for Fish and Game.

Amendment

Amend the bill by replacing section 1 with the following:

1 Hearings. Amend RSA 206:11 to read as follows:

206:11 Hearings [as] to *Receive Suggestions from the Public*. Once each biennium, in the odd-numbered year, the executive director shall hold public hearings to hear suggestions from the public on changes in the fishing rules [and regulations] or on any other subject with respect to his duties. Such hearing shall be held [at the superior courthouse] in Concord [commencing at 7:00 p.m. on the first Monday in June,] and [at the superior courthouse at] *in* Lancaster [on the following Friday commencing at 7:00 p.m]. Public notice of said hearings shall be published at least twice in 2 newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the executive director may deem desirable[, between the dates of May 1 and May 30 immediately prior to the public hearing, *which shall be held in the month of June*]. It shall be the duty of the members of the commission to be in attendance at such hearings. [In the event of the illness of the executive director, or a majority of the commission not being present, or other unforeseen contingency, such hearings shall be adjourned or postponed. In the event of such adjournment or postponement, notice of the time of subsequent hearing shall be posted at such courthouse and given such other publicity as the executive director shall deem proper to give adequate notice thereof to interested parties.] The executive director may in his discretion conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that the executive director shall hold in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the executive director under the provisions of this title shall be given full opportunity to be heard, and the executive director shall cause a complete [stenographic] record to be kept of all testimony taken.

AMENDED ANALYSIS

The bill deletes requirements for a specific place, date and time for the biennial hearings conducted in Concord and Lancaster.

The bill deletes the provisions relative to postponing or adjoining the hearings due to the illness of the executive director or majority of commissioners unable to be present.

HB 1036-FN, relative to nonresident and resident wholesale marine species licenses. **OUGHT TO PASS.**

This is a housekeeping bill in that it cleans up the definition of commercial licensing and wholesale trade. There was no opposition to the bill, and it was requested by the Fish and Game Department. Vote 16-0. Rep. William P. Boucher for Fish and Game.

HB 1176-FN, relative to the volunteer instructors for the hunter safety courses. **INEXPEDIENT TO LEGISLATE.**

A hunter education instructor testified against this bill and felt the majority of the instructors were not in favor of the bill. Vote 17-1. Rep. Harold F. Magoon for Fish and Game.

HB 1062, relative to record books kept by registers of deeds. **OUGHT TO PASS.**

This bill would allow county Registers of Deeds the option of storing information on optical disks. Three counties are currently using this system, and it works well. The Committee is of the opinion that this option should be available. Vote 14-1. Rep. Karen O. Wadsworth for Municipal and County Government.

HB 1086-FN, relative to costs to counties of incarcerated individuals. **INEXPEDIENT TO LEGISLATE.**

At the request of the sponsor this bill was voted Inexpedient to Legislate. There was no favorable testimony. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 1105-FN, relative to acceptance of certain roads as class V highways by towns. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that proper avenues of redress are presently available through layout procedures for those cases where a road has been in public use, but not accepted. Further, the bill as written would not allow for betterment assessments which would be appropriate in most cases. Most of the testimony was in opposition, but most of those speaking also said further study might be appropriate. Also, this matter is the subject of SB 370. Vote 16-0. Rep. Gabriel J. Daneault for Municipal and County Government.

HB 1110, relative to the election of Sullivan and Belknap County commissioners. **OUGHT TO PASS.**

This legislation creates a system for electing county commissioners that is now used successfully in several other counties. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 1121, relative to amending or repealing subdivision regulations by petition. **INEXPEDIENT TO LEGISLATE.**

The bill addresses a problem in one town that has now been resolved. It is felt that this legislation, if it became law, could create more problems that it would solve. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 1139, relative to the residence of town health officials. **INEXPEDIENT TO LEGISLATE.**

At the request of the sponsor, HB 1139 was voted Inexpedient to Legislate. Vote 15-0. Rep. Paul A. Golden for Municipal and County Government.

HB 1155, relative to the register of deeds as a filing officer under article 9-407 of the uniform commercial code. **INEXPEDIENT TO LEGISLATE.**

The sponsor and the Committee opposed this legislation. No one spoke in favor. Vote 15-0. Rep. Leona Dykstra for Municipal and County Government.

HB 1370, relative to a statement of consideration on deeds. **OUGHT TO PASS WITH AMENDMENT.**

This bill, which was unanimously approved by the Committee, received no opposition at the public hearing. Utilities, which file more than 10,000 easements annually, strongly support the bill, as does the New Hampshire Association of Registers of Deeds. The amendment addresses concerns shared by the sponsor, those testifying, and members of the Committee. Vote 14-0. Rep. Leona Dykstra for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a statement of consideration on deeds and other
matters concerning the transfer of real estate.

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Tenants Exemption. Amend RSA 78-B:2, XI to read as follows:

XI. To transfers that occur by devise or by the laws regulating intestate succession and descent *or by the death of any co-tenant in real estate held by joint tenancy.*

2 Real Estate Transfer Instruments. Amend RSA 78-B:4, I and II to read as follows:

I. The purchaser, grantee, assignee or transferee of any real estate or any interest in real estate shall buy and attach stamps or other indicia approved by the commissioner of revenue administration to the instrument [described in RSA 78-B:10] by which the real estate or interest in real estate is sold, granted, assigned or transferred. The stamps or other indicia shall indicate the full consideration paid for the real estate or interest in real estate. The amount paid for each stamp shall be computed to the nearest whole dollar.

II. The seller, grantor, assignor or transferor of any real estate or any interest shall buy and attach stamps or other indicia approved by the commissioner of revenue administration to the instrument [described in RSA 78-B:10] by which the real estate or interest in real estate is sold, granted, assigned or transferred. The stamps or other indicia shall indicate the full consideration paid for the real estate or interest in real estate. The amount paid for each stamp shall be computed to the nearest whole dollar.

3 Price or Consideration in Real Estate Transfer Instruments. Amend RSA 78-B:9, III to read as follows:

III. If there is occasion to determine if the stated price or consideration[, under RSA 78-B:10,] is the actually paid or required to be paid price or consideration, then the commissioner shall have the power, barring specific proof to the contrary, to determine the actual price or consideration by the fair market value of the real estate.

4 Consideration Stated within Deed. Amend the introductory paragraph of RSA 78-B:10, I to read as follows:

1. *Unless a declaration of the full price or consideration is made within the deed*, each deed recording a transfer of real estate or any interest therein shall contain a separate page which shall be recorded with the deed, and which shall be called the "Attestation of Consideration and Tax Stamp Page." Each such page shall:

5 Acknowledged Signatures. Amend RSA 78-B:10, I(b) to read as follows:

(b) Contain a space immediately below the statement in subparagraph (a) for the dated and notarized *or acknowledged* signatures of both buyer and seller of the deeded real estate.

6 New Paragraph; Deeds Recorded before January 1, 1990. Amend RSA 78-B:10 by inserting after paragraph II the following new paragraph:

III. No deed, recording a transfer of real estate or any interest therein, recorded before January 1, 1990, shall be required to comply with paragraph I of this section.

7 Compliance. Any deed recorded prior to the effective date of this act shall be deemed in compliance with RSA 78-B:10, whether or not any declaration of consideration is made or an "Attestation of Consideration and Tax Stamp Page" is attached.

8 Effective Date. This act shall take effect June 1, 1990.

AMENDED ANALYSIS

This bill excuses an individual whose deed contains a declaration of consideration from having to record with his deed the "Attestation of Consideration and Tax Stamp Page."

The bill also exempts those individuals whose deeds were recorded before January 1, 1990, from recording the "Attestation of Consideration and Tax Stamp Page."

The bill requires that all deeds recorded prior to the effective date of the act be deemed in compliance with RSA 78-B:10.

The bill allows the transfer of real estate that occurs by the death of a joint tenant to be exempt from certain taxes.

The bill also allows "declarations of consideration" to be acknowledged instead of notarized.

HB 1398-FN, relative to the BOCA code. INEXPEDIENT TO LEGISLATE.

The Committee members agree that the adoption of the BOCA code is a good idea, but the state should not mandate its adoption. Vote 15-0. Rep. Nanci A. Allard for Municipal and County Government.

HB 1054, authorizing a memorial for certain veterans of Korea and Vietnam. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, gives certain New Hampshire veterans the recognition they so rightly deserve. The bill allows for the placement of a bronze plaque commemorating New Hampshire veterans of all wars, who gave their lives, on the summit of Mount Washington. The cost of such plaque shall be borne by the New Hampshire veterans organizations.

Also, the Division of Parks and Recreation, Department of Resources and Economic Development, is to add to the list of names on the Hampton Marine Memorial, the names of those veterans lost at sea during the Vietnam Conflict, and as members of the Merchant Marine Service during World War II. The cost of each additional name shall be paid from existing Department appropriations.

Additionally, the Division of Parks and Recreation is further authorized to develop a plan for the creation of a permanent memorial listing, at Fort Constitution in New

Castle, of all New Hampshire veterans who have died in conflicts during and since the War of the American Revolution. Vote 14-0. Rep. Carl F. Anderson for Public Protection and Veterans Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to memorials for veterans

Amend the bill by replacing all after the enacting clause with the following:

1 Plaque Authorized.

I. A bronze plaque commemorating New Hampshire veterans of all wars, who lost their lives in such wars, may be placed on the summit of Mount Washington, near or within the Sherman Adams summit building, at a location to be jointly selected by the Mount Washington Commission and the New Hampshire veterans organizations. The plaque shall be engraved with the following inscription:

"In the White Mountains of home, we pause to remember those from New Hampshire who lost their lives in defense of our country".

II. The cost of the bronze plaque and its placement shall be the responsibility of New Hampshire veterans organizations.

2 Memorial Listings.

I. The division of parks and recreation, department of resources and economic development, is directed to add to the list of names on the Hampton Marine Memorial those veterans lost at sea during the Vietnam conflict and as members of the Merchant Marine Service during World War II. Such names shall be provided by the appropriate veterans organizations, and any costs shall be paid from existing departmental appropriations.

II. The division of parks and recreation is further directed to develop a plan for the creation of a permanent memorial listing, at Fort Constitution in New Castle, of all New Hampshire veterans who have died in conflicts since the Revolutionary War. The division shall make a report of its plan and estimated costs to the governor and council, the president of the senate, and the speaker of the house of representatives no later than December 31, 1990.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the placement on the summit of Mount Washington of a bronze plaque commemorating New Hampshire veterans who lost their lives in wars.

The bill authorizes the addition of the names of certain veterans to the list of names on the Hampton Marine Memorial.

The bill also directs the division of parks and recreation to develop a plan for the creation of a permanent memorial listing, at Fort Constitution in New Castle, of all New Hampshire veterans who have died in conflicts since the Revolutionary War.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, merely reassigns 13 positions to the Bedford Road toll plaza from the Nashua-Hudson circumferential highway toll plaza. The amendment authorizes this transfer to occur two months before the opening of the Bedford plaza to allow training. This is a reduction from the four months requested in the bill, as drafted. Vote 13-0. Rep. Daniel P. McNerney for Public Works.

Amendment

Amend the footnote to 1989, 365:1, 04, 01, 08, 02, 01 as inserted by section 1 of the bill by replacing it with the following:

Contingent upon certification from the agency as to when the Bedford Road toll facility will be operational, the following positions shall be reassigned from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza 2 months prior to opening of the Bedford Road toll plaza: 00680, 00681, 00682, 00683, 00684, 00685, 00686, 00687, 00688, 00689, 00690, 00691, 00697.

AMENDED ANALYSIS

This bill is a request of the department of transportation.

This bill provides for the reassignment of certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza, 2 months prior to the opening of the Bedford Road toll plaza.

HB 1183, relative to supervision of highway agents. OUGHT TO PASS.

House Bill 1183 deletes an obsolete provision requiring a Department of Transportation representative to supervise local road agents each month from April through November, and replaces same with a provision providing that such supervision be periodic. The Technology Transfer Center at the University of New Hampshire; the Department of Transportation; personnel at the six highway districts; along with seminars and a quarterly magazine entitled "Road Business" provide ample resources for local road agents. Vote 13-0. Rep. Gene G. Chandler for Public Works.

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation. OUGHT TO PASS.

This is a housekeeping bill which changes the word "division" to "district" to reflect department reorganizations of previous years and requires railroads to report to the Department of Transportation instead of the Public Utilities Commission if they need to make repairs which affect highways. Vote 13-0. Rep. Fredrik Peyron for Public Works.

HB 1185, to reclassify portions of certain highways in the town of New Castle. OUGHT TO PASS.

House Bill 1185 addresses the town of New Castle accepting several roads as Class V highways. A voice vote at the town meeting in New Castle was affirmative for the action. The Committee supports the town's request. Vote 13-0. Rep. Keith L. Hinrichsen for Public Works.

HB 1187, prohibiting certain items from being deposited in a highway litter receptacle. OUGHT TO PASS WITH AMENDMENT.

House Bill 1187, as amended, makes it unlawful to deposit household garbage, leaves, clippings, prunings, etc. in a highway or Department of Resources and Economic Development litter receptacle. The amendment also added DRED to the bill. Vote 13-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting certain items from being deposited in highway
and department of resources and economic
development litter receptacles.

Amend RSA 265:102, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. No person shall deposit household garbage, leaves, clippings, prunings or gardening refuse in any highway or department of resources and economic development litter receptacle.

AMENDED ANALYSIS

This bill is a request of the department of transportation.

This bill makes it unlawful to deposit household garbage, leaves, clippings, prunings or gardening refuse in highway and department of resources and economic development litter receptacles.

HB 1066-FN, establishing a study committee for the fourth position on the megabucks computer. **OUGHT TO PASS WITH AMENDMENT.**

The amendment to HB 1066 removes the study committee portion of the bill and in its place allows operators of Bingo to add numbers for the incentive to the Winner Take All games. Vote 10-5. Rep. William J. Desrosiers for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the operation of bingo games.

Amend the bill by replacing all after the enacting clause with the following:

1 Operation of Bingo Games. RSA 287-E:7, XV is repealed and reenacted to read as follows:

XV. In not more than one game conducted in accordance with RSA 287-E:7, XIII, during any game or series of games conducted on any one game date by a charitable organization, a progressive coverall game, may be run, not to exceed \$3,000, and shall be awarded to any winner covering all 24 numbers on the card in 60 or fewer numbers. The numbers shall start at 50 and may be incremented 1 number per week, until it reaches the maximum of 60 numbers, where it shall remain until the prize is awarded to a person or persons covering all 24 numbers on the card within 60 numbers or less. Said prize shall be awarded in addition to any sums collected and given out pursuant to RSA 287-E:7, XIII. This progressive game shall be played on the second or last coverall, with a bonus prize of up to \$3,000 on the first winner take all coverall if all 24 numbers on the card are covered in 50 numbers or less. The prize shall be subject to state tax under RSA 387-E:8. The progressive game shall not be construed as part of the winner take all or coverall. The progressive game shall not be used on package games.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides for a progressive coverall game starting at 50 numbers and progressing to 60 numbers, for a participant to cover all 24 numbers on a card.

A maximum cash prize of \$3,000 is authorized.

HB 1439-FN, relative to the reimbursement to the state for certain services rendered at race tracks. **OUGHT TO PASS.**

This bill requires that the race tracks in the state reimburse the state for the compensation paid to the track stewards, judges and veterinarians no later than 15 days after receipt of billing. Currently, there is no time limit. There was no opposition to the bill and the Committee felt that it would be no hardship to any track. Purses are now paid in 72 hours. Vote 13-0. Rep. Robert M. Fesh for Regulated Revenues.

HB 1047, establishing a commission with the state of Maine on Lake Umbagog. **OUGHT TO PASS.**

This bill authorizes the appointment of commissioners from this state to meet with commissioners from the state of Maine, to endeavor to reach an agreement on controls and restrictions on the use and operation of all types of watercraft on Lake Umbagog, for the preservation of the environment and for the protection of wildlife and waterfowl which are dependent on this body of water. Vote 13-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HCR 17, relative to the operations of Seabrook. **INEXPEDIENT TO LEGISLATE.**

The issue of the Public Service Company of New Hampshire reorganization and the operation of the Seabrook Station was addressed by the General Court Special Session in December, 1989. Since HCR 17 runs contrary to that decision, the Committee voted this bill as Inexpedient to Legislate. Vote 7-2. Rep. Charles C. Vogler for Science, Technology and Energy.

HCR 14, relative to subsidizing the tobacco industry. **INEXPEDIENT TO LEGISLATE.**

The Committee felt farm subsidies should be considered as a whole and not one segment singled out. Also, that the Congressional Delegation should handle the problem. Vote 9-1. Rep. Elizabeth S. Millard for State-Federal Relations.

HR 52, urging the New Hampshire delegation to introduce legislation in Congress correcting certain disparities in the Medicare program. **INEXPEDIENT TO LEGISLATE.**

The sponsor of this resolution requested that it be voted Inexpedient to Legislate. Vote 11-0. Rep. Elizabeth S. Millard for State-Federal Relations.

HB 1407-FN-A, to phase out the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

The Committee felt that although there were valid reasons to pursue an Interest and Dividends Tax phase-out, particularly in partnership with a broadening of the Business Profits Tax, the revenue shortfall currently facing New Hampshire makes it impractical at this time. Vote 14-0. Rep. David A. Young for Ways and Means.

REGULAR CALENDAR

HB 405-FN-A, relative to the driver training fund. (A) **INEXPEDIENT TO LEGISLATE.**

The sum of money requested in this bill is already in the Operating Budget. The bill also deposits the surplus funds in the highway fund. The Committee prefers to leave the surplus in the general fund. Vote 16-1. Rep. Ralph W. Pearson for Appropriations.

Resolution adopted.

HB 430-FN, relative to certification for real estate appraisers. (A) OUGHT TO PASS WITH AMENDMENT.

This bill provides for the certification of real estate appraisers and will require examination, education and continuing education for such certification. The amendment provides for an appropriation for the startup of the program. The program will be self-supporting through certification fees to be established by the real estate appraiser board established hereunder. Vote 17-3. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the bill by replacing section 5 with the following:

5 Appropriation. The sum of \$40,000 is hereby appropriated to the real estate appraiser board for the biennium ending June 30, 1991, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill regulates the practice of real estate appraising by:

- I. Designating and authorizing a board to oversee the practice.
- II. Creating 2 types of certification, one for appraisal of residential real property and the other for appraisal of all types of real property.
- III. Providing examination, education, and continuing education requirements.
- IV. Providing for fees and penalties.

The bill also makes an appropriation for the initial costs of the board.

Amendment adopted.

Ordered to third reading.

HB 1241, relative to the observance of Memorial Day. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: "Never was so much owed by so many to so few"; these famous words of Sir Winston Churchill could well be applied to all of those Americans who served their country since "day 1," especially to those who gave their lives. The criteria of money, pleasure and convenience as a reason for the change of date for Memorial Day, pales when compared with honor, respect and tradition, which has characterized New Hampshire's observance of Memorial Day since 1868.

The words of Senator George Disnard, Claremont, a former educator, should be carefully considered: "Dollars aren't everything; they should think of tradition, instead of days off and picnics and going to the beach." The majority of the Committee agrees with these sentiments. Vote 8-6. Rep. Robert E. Dumont for the Majority of Public Protection and Veterans Affairs.

MINORITY: The minority of the Committee felt that the Legislature, the representatives of the people of the state, should allow all of the people of this great state to commemorate Memorial Day with the people of the rest of the United States. So, let us pass this bill so that the people of New Hampshire may join the other 38 states and become the great nation, united and indivisible. Reps. Eleanor M. Anderson, Edward J. Flynn, Bruce F. Hunter, John O'Brien, James E. McDowell and Francis C. Vincent for the Minority of Public Protection and Veterans Affairs.

Rep. Robinson moved that the report of the minority, Ought to Pass, be substituted for the report of the majority, Inexpedient to Legislate, and spoke to her motion.

(Deputy Speaker Burns in the Chair)

Reps. Dumont, Fields, Benton and David Wheeler spoke against the motion.
 Reps. Matson, Murphy, Mason, Dunn and Hoar spoke in favor of the motion.
 Rep. Edward Flynn spoke in favor of the motion and yielded to questions.

(Speaker in the Chair)

A roll call was called for. Sufficiently seconded.

YEAS 201**NAYS 131****YEAS 201****BELKNAP**

| | | |
|---------------------|---------------------------|--------------------|
| Bolduc, Dennis R. | Campbell, Richard H., Jr. | Hawkins, Robert S. |
| Holbrook, Robert G. | Maviglio, Steven R. | Pearson, Ralph W. |
| Vogler, Charles C. | | |

CARROLL

| | | |
|------------------------|---------------------|------------------|
| Powers, Gerard E., Jr. | Saunders, Howard N. | Wiggin, Allen R. |
|------------------------|---------------------|------------------|

CHESHIRE

| | | |
|-------------------------|----------------------|----------------------|
| Barber, Robert E., Jr. | Cole, Kenneth A. | Crutchley, Donald O. |
| Foster, Katherine Davis | Hunt, John B. | Matson, William R. |
| Metzger, Katherine H. | Pearson, Gertrude B. | Perry, David M. |
| Pratt, Irene A. | Spear, Susan | Young, David A. |

COOS

| | | |
|---------------------|-----------------|----------------------|
| Kilbride, Dennis J. | Oleson, Otto H. | Woodburn, Jeffrey R. |
|---------------------|-----------------|----------------------|

GRAFTON

| | | |
|----------------------|-----------------------|----------------------|
| Bean, Pamela B. | Bennett, Shirley M. | Brown, Channing T. |
| Chambers, Mary P. | Copenhaver, Marion L. | Densmore, Edward D. |
| Driscoll, William J. | Guest, Robert H. | Larson, Nils H., Jr. |
| Nordgren, Sharon | Scanlan, David M. | Shackett, Ralph E. |
| Stewart, Roger | Teschner, Douglass P. | Wadsworth, Karen O. |
| White, Paul R. | | |

HILLSBOROUGH

| | | |
|-------------------------|-------------------------|-----------------------|
| Ahrens, Frederick G. | Alukonis, David J. | Amidon, Eleanor H. |
| Andrews, Frederick B. | Baldizar, Barbara J. | Bicknell, Robert C. |
| Bourque, Ann J. | Bowers, Dorothy C. | Burkush, Peter |
| Cote, David E. | Desrochers, Gerard T. | Dionne, Paul R. |
| Drabinowicz, A. Theresa | Drolet, Paul L. | Dube, Ellen C. |
| Dwyer, Patricia R. | Dykstra, Leona | Elliott, Larry G. |
| Emerton, Lawrence | Flood, Jacqueline J. | Ford, Nancy M. |
| Frank, Nancy G. | Goulet, Maurice E. | Green, Scott E. |
| Gureckis, Adam C., Sr. | Haettenschwiller, A. A. | Hanselman, Gregory L. |
| Harlan, Susan N. | Holden, Carol H. | Hunter, Bruce F. |
| Jasper, Shawn N. | Jean, Romeo W. | Jenkins, Mary |
| Johnson, Lionel W. | Keefe, Edmund M. | Kelley, Robert N. |
| King, John A. | Knight, Alice Tirrell | Lachut, Ervin R. |
| Lown, Elizabeth | Lozeau, Donnalee | Mason, Howard F. |
| McCann, Bonnie Lou | McDowell, James E. | Nardi, Theodora P. |
| O'Rourke, JoAnne A. | Ouellette, Robert O. | Pappas, Toni |

Perham, Lester R.
 Reidy, Frank J.
 Schneiderat, Catherine
 Spaloss, Henry F.
 Toomey, Daniel
 Upton, Barbara Allen

Pignatelli, Debora B.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Turgeon, Roland M.
 Young, Willard N.

Prestipino, Bartolo V.
 Rodgers, G. Philip
 Smith, Leonard A.
 Tarpley, Nancy L.
 Tyree, Paul M.

MERRIMACK

Anderson, Eleanor M.
 Bennett, J. Allen
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hill, Michael
 Lewis, Mary Ann
 Pfaff, Terence R.
 Smith, Gerald R.
 Wallner, Mary Jane

Asplund, Bronwyn L.
 Braiterman, Thea
 Fair, Patricia A.
 Gilbreth, Robert M.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Phelps, James D.
 Soldati, Jennifer

Beaton, Nancy
 Carter, Susan D.
 Fillion, Paul R.
 Hager, Elizabeth
 Johnson, C. William
 Nichols, Avis B.
 Shaw, Randall F.
 Teague, Bert

ROCKINGHAM

Bell, Juanita
 Campbell, Marilyn R.
 Fesh, Robert M.
 Gage, Thomas U.
 Hoar, John, Jr.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.
 McCain, William F.
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Schmidtchen, Rowland
 Skinner, Patricia M.
 Stachowske, Vicki
 Vartanian, Elsie
 Wright, David B.

Blanchard, MaryAnn N.
 Caswell, Albert, Jr.
 Flanagan, Natalie S.
 Gourdeau, Raymond H.
 Hollingworth, Beverly A.
 Kane, Cecelia D.
 Klemm, Arthur P., Jr.
 MacDonald, Maurice B.
 McKinney, Betsy
 Parr, Ednappearl F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Sytek, Donna
 Vaughn, Charles L.

Brown, Lewis W.
 Conroy, Janet M.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hynes, Carolyn E.
 King, Roger C.
 Lovejoy, Virginia K.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Parsons, Robert F.
 Rosencrantz, James R.
 Sherburne, John L.
 Splaine, John E., Sr.
 Tufts, J. Arthur
 Weddle, Michael Rodney

STRAFFORD

Bernard, Mary E.
 Flynn, Edward J.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Scharff, Thomas Edward

Brown, Julie M.
 Frechette, Roland A.
 Kinney, Paula J.
 O'Brien, John
 Spencer, Leo J.

Flynn, Anita A.
 Gilmore, Gary
 Marston, Robert E.
 Pelley, Janet R.
 Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
 Harland, Jane A.
 MacAskill, Kenneth M.

Burling, Peter Hoe
 Hinrichsen, Keith
 Peyron, Fredrik

Flint, Gordon B.
 Krueger, Richard H.
 Schotanus, Merle W.

NAYS 131 BELKNAP

Golden, Paul A.
Richardson, Lawrence
Ziegra, Alice S.

Hardy, Earle D.
Rosen, Ralph J.

Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.

Chandler, Gene G.
MacDonald, Kenneth J.

Daly, Robert J., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Blacketor, Paul G.
Gordon, Irvin H.
LaMar, David M.
Sawyer, Alfred P.

Cole, Stacey W.
Grodin, Richard A.
Laurent, John J.

Delano, Robert F.
Hill, Douglas E.
Morse, Jo-Ann T.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Lemire, George
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton
Theriault, Romeo J.

Burns, Harold W.
Horton, Lynn C.
Mayhew, Josephine

GRAFTON

Adams, Carl S.
LaMott, Paul I.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Dow, David
Markley, J. Keith
Ward, Kathleen W.

Hill, Richard L.
Rose, William B.
Weymouth, Philip H.

HILLSBOROUGH

Barry, Janet Gail
Desrosiers, William J.
Donovan, Francis X.
Gagnon, Gabrielle V.
Kress, Gloria W.
Leclerc, Charles J.
McRae, Karen
Morrissette, Roland
Paquette, Rodolphe G.
Rheault, Lillian I.
Steiner, Lee Anne
Wright, George W.

Cowenhoven, Garret P.
Dodge, Emma M.
Fields, Dennis H.
Healy, Daniel J.
Lawrence, Eva M.
Lefebvre, Roland J.
Messier, Irene M.
Murphy, Robert E.
Pepino, Leo P.
Riley, Frances L.
Vanderlosk, Stanley R.

Daigle, Robert Arthur
Domaingue, Jacquelyn
Foote, Herbert N., Sr.
Hultgren, David D.
Lawrence, Norman B.
McNerney, Daniel P.
Moore, Elizabeth A.
Packard, Bonnie B.
Record, Alice Barnard
Sallada, Roland A.
Wheeler, David K.

MERRIMACK

Apple, Lowell D.
Boucher, Laurent J.
Hall, Douglas E.
Millard, Elizabeth S.

Barberia, Richard A.
Daneault, Gabriel
Holmes, Mary C.
Stio, Peter M.

Bardsley, Elizabeth S.
Gross, Caroline L.
Kidder, William F.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Campbell, Eunice M.
Cote, Patricia L.
Flanders, Harry E.

Boucher, William Paul
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Flanders, John W., Sr.

Brown, Jeffrey M.
Cooke, Annette M.
Felch, Charles H., Sr.
Gage, Beverly A.

Haynes, Richard L.
Mace, Ada L.
Palazzo, Frank J., Sr.
Roulston, Donald L.
Warburton, Calvin

Katsakiores, George N.
Magoon, Harold F.
Raynowska, Bernard J.
Seward, Russell G.
Welch, David A.

Katsakiores, Phyllis
McCarthy, John James, Jr.
Remick, Barbara R.
Simon, Peter M.
Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Parks, Joe B.
Swope, Warren L.
Young, John B.

Bickford, Drucilla
Stewart, Glenn W.
Torr, Ralph W.

Dionne, Albert J.
Sullivan, Henry P.
Vincent, Francis C.

SULLIVAN

Domini, Irene C.
Stamatakis, Carol M.,

Middleton, John A.

Rodeschin, Beverly T.

and the substitute motion was adopted.

Ordered to third reading.

Rep. Murphy wished to be recorded against the motion.

HB 1088, relative to rules in manufactured housing parks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

MAJORITY: This bill does not address the problem. Most mobile home owners in an established mobile home park are aware, when they move into the park, that there are certain rules governing renting or not being able to rent out their mobile homes, number of children allowed in the mobile home, etc. This is no different than certain condominium rules and regulations in existence. Vote 8-4. Rep. Karen McRae for the Majority of State Institutions and Housing.

MINORITY: This bill ensures that mobile/manufactured home owners in housing parks have the same basic rights to utilize their property in the same way that the owners of stick built-homes. It is not intended to be a bill that would overturn the reasonable rules of resident associations or park operators/owners. Rep. Scott E. Green for the Minority of State Institutions and Housing.

Rep. Lozeau moved that the report of the minority, Ought to Pass, be substituted for the report of the majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Apple spoke against the motion.

The substitute motion lost.

Resolution adopted.

HB 1326-FN, relative to the sale or lease of certain institutional lands. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

MAJORITY: This bill seeks to protect resources already owned by the state. The Committee also appreciates the need for a vehicle for capital improvements to be paid for at community-based mental health and developmental service sites. The trust fund is such a vehicle. Vote 8-5. Rep. Karen McRae for the Majority of State Institutions and Housing.

MINORITY: This bill has merit, but it is being put forward now to mute criticism and public outrage over the Governor's efforts to close down the Laconia Developmental Services and move the population into the New Hampshire Hospital. To vote for the bill at this time is merely to give a green light for the executive branch to close down Laconia Developmental Services. Rep. Scott E. Green for the Minority of State Institutions and Housing.

Rep. Green moved the report of the minority, Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Soldati spoke against the motion and yielded to questions.

The substitute motion lost.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Leasing Authorized. Amend RSA 10:4 to read as follows:

10:4 Acquisition and Disposal of Real Estate for Institutions.

I. Except as provided in RSA 4:39-a, upon request of the director of the division of mental health and developmental services, the director of the division of public health services, or the division for children and youth services, the governor and council may buy, sell, *lease*, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction and, at the request of any of the above or that of the trustees of the university system of New Hampshire, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

II. *The provisions of paragraph I relative to the sale of institutional land shall not apply to any land at the New Hampshire hospital, Laconia developmental services, or the Glencliff home for theelderly. Land at the institutions listed in this paragraph may only be leased.*

2 New Section; Proceeds from Disposal of Real Estate for Certain Institutions. Amend RSA 10 by inserting after section 4 the following new section:

10:5 Proceeds from Disposal of Real Estate for Certain Institutions. The proceeds from the sale or lease pursuant to RSA 10:4 of any land under the jurisdiction of the director of the division of mental health and developmental services shall be placed in a community assistance trust for use within the community mental health and developmental services system. The trust funds shall be in the custody of the state treasurer and shall be administered in accordance with RSA 11. The governor and council may accept contributions, donations, or bequests to the trust and the director of the division of mental health and developmental services, with the prior approval of the governor and council, may use any portion or all of the trust funds and interest earned thereon for capital expenditures within the community mental health and developmental services system.

AMENDED ANALYSIS

This bill authorizes the governor and council to lease institutional land upon the request of certain division directors within the department of health and human services. Current law authorizes buying, selling, or exchanging such land. The bill prohibits the sale of any land at the New Hampshire hospital, Laconia developmental services, or the Glencliff home for the elderly. Land at these institutions may only be leased.

This bill directs that any proceeds from the sale or lease of land under the jurisdiction of the director of the division of mental health and developmental services shall be placed in a trust which shall be in the custody of the state treasurer. The trust shall

be administered in accordance with RSA 11. The trust funds and any interest earned on such funds may be used, upon the approval of governor and council, for capital expenditures within the community mental health and developmental services system.

This bill was requested by the division of mental health and developmental services. Amendment adopted.

Referred to Appropriations.

HB 1330-FN-A, relative to a state income tax and making an appropriation for administrative costs, and funding state aid to education. INEXPEDIENT TO LEGISLATE.

This bill attempts to "catch" those who avoid paying the Business Profits Tax by imposing an 8 percent tax on federal taxable income. There are liberal deductions and the money raised would be distributed to school districts. While the Committee admires the sponsor's attempt to address the inequities in the Business Profits Tax, the uncertainties about the amount of revenue generated and the complexity of the deduction and distribution formulas do not allow the Committee to recommend passage of this bill. Vote 14-1. Rep. Donna P. Sytek for Ways and Means.

Reps. Warburton, Spencer and Jacobson spoke to the bill.

Resolution adopted.

HB 1366-FN-A, to impose a state income tax to fund education aid and aid to municipalities and making an appropriation for administrative costs, and providing for property tax relief claims. INEXPEDIENT TO LEGISLATE.

This bill would have imposed a 3 percent tax on adjusted gross income. Funds raised would be distributed to school districts and municipalities with the goal of property tax relief. The distribution and exemption formulas are quite complex and there is no guarantee that the bill would result in a reduction in local taxes. Further, the fiscal note indicates that the cost of administration combined with the repeal of the Interest and Dividends Tax could exceed the revenue raised by the bill. Vote 14-1. Rep. Donna P. Sytek for Ways and Means.

Resolution adopted.

HB 1400-FN-A, to impose a state income tax to fund school district education costs and making an appropriation for administration costs, and providing for property tax relief claims. INEXPEDIENT TO LEGISLATE.

This bill would impose a 3 percent personal income tax with funds being distributed to school districts on a dollar-for-dollar "match" basis. The Committee had reservations about dedicating proceeds only to education and questioned whether the bill would indeed result in a reduction in property tax. Vote 14-1. Rep. Donna P. Sytek for Ways and Means.

Rep. Teague moved that HB 1400 be made a Special Order for Tuesday, February 6 and spoke to his motion.

On a voice vote, the Chair was in doubt and called for a division, 160 members having voted in the affirmative and 148 in the negative the motion was adopted.

HB 1401-FN-A, relative to a property tax relief system. INEXPEDIENT TO LEGISLATE.

This bill would impose a wide variety of complex purchase and use taxes on the sale and use of property. The revenue received from the Purchase and Use Tax would be returned to cities and towns on a per capita basis to reduce property taxes. The Committee by a vote of 14-0 voted Inexpedient to Legislate due to the complexity of its

application and administration, as well as the regressive nature of the tax. Rep. Donald O. Crutchley for Ways and Means.

Rep. O'Brien moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Crutchley spoke against the motion.

Motion lost.

Resolution adopted.

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

The amendment reduces the appropriation to \$5,000 but should save the state money by reducing the need for so many due process hearings. Vote 21-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend RSA 186-C:24, II(d)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) Held at a time and place reasonably convenient and mutually agreeable to the parties in the dispute.

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Education. The sum of \$5,000 is hereby appropriated to the department of education for the fiscal year ending June 30, 1991, for the purpose of mediator expenses under this act. The governor is authorized to draw his warrant for such sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor. (A) OUGHT TO PASS.

This bill adds enhanced family care facilities to rate-setting by the Division of Human Services so it doesn't have to come back to the Legislature each year to have its rates set. Vote 21-0. Rep. Elizabeth Hager for Appropriations.

Ordered to third reading.

HB 700-FN, imposing minimum mandatory sentences for felonious use of firearms. (A) INEXPEDIENT TO LEGISLATE.

The cost of this bill appears to be undetermined yet would increase the population of the state prison which is already overcrowded. Vote 20-0. Rep. Robert G. Holbrook for Appropriations.

Rep. Murphy moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Rodeschin, Welch and Pepino spoke in favor of the motion.

Reps. Holbrook and Sytek spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 175

NAYS 142

YEAS 175

BELKNAP

Campbell, Richard H., Jr.

Hawkins, Robert S.

Maviglio, Steven R.

Randall, Kenneth A.

Rosen, Ralph J.

Vogler, Charles C.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.

Daly, Robert J., Jr.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
Saunders, Howard N.

CHESHIRE

Cole, Kenneth A.
Laurent, John J.
Perry, David M.
Young, David A.

Hill, Douglas E.
Matson, William R.
Pratt, Irene A.

Hunt, John B.
Pearson, Gertrude B.
Spear, Susan

COOS

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George

Burns, Harold W.
Horton, Lynn C.
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.

GRAFTON

Bennett, Shirley M.
Larson, Nils H., Jr.
Shackett, Ralph E.
Wadsworth, Karen O.

Chambers, Mary P.
Markley, J. Keith
Stewart, Roger
Whitcomb, Henry F., Jr.

Dow, David
Nordgren, Sharon
Teschner, Douglass P.
White, Paul R.

HILLSBOROUGH

Alukonis, David J.
Bowers, Dorothy C.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dykstra, Leona
Ford, Nancy M.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
Lachut, Ervin R.
Lozeau, Donnalee
McNerney, Daniel P.
Murphy, Robert E.
Pappas, Toni
Record, Alice Barnard
Schneiderat, Catherine
Toomey, Daniel
Wheeler, David K.

Baldizar, Barbara J.
Burkush, Peter
Domaingue, Jacquelyn
Drolet, Paul L.
Emerton, Lawrence
Frank, Nancy G.
Healy, Daniel J.
Jasper, Shawn N.
King, John A.
Lawrence, Norman B.
McCann, Bonnie Lou
Messier, Irene M.
Ouellette, Robert O.
Pepino, Leo P.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Turgeon, Roland M.

Barry, Janet Gail
Cote, David E.
Donovan, Francis X.
Dube, Ellen C.
Foote, Herbert N., Sr.
Green, Scott E.
Hultgren, David D.
Jean, Romeo W.
Kress, Gloria W.
Leclerc, Charles J.
McDowell, James E.
Moore, Elizabeth A.
Packard, Bonnie B.
Perham, Lester R.
Riley, Frances L.
Smith, Leonard A.
Tyree, Paul M.

MERRIMACK

Anderson, Eleanor M.
Bennett, J. Allen
Hill, Michael
Nichols, Avis B.
Shaw, Randall F.
Stio, Peter M.

Barberia, Richard A.
Braiterman, Thea
Jacobson, Alf E.
Pfaff, Terence R.
Smith, Gerald R.
Whittemore, James A.

Beaton, Nancy
Fillion, Paul R.
Johnson, C. William
Phelps, James D.
Soldati, Jennifer

ROCKINGHAM

Benton, Richardson D.
Caswell, Albert, Jr.
Cooke, Annette M.

Boucher, William Paul
Chase, Lawrence A., Jr.
Cote, Patricia L.

Brown, Jeffrey M.
Conroy, Janet M.
Felch, Charles H., Sr.

Flanagan, Natalie S.
Gage, Beverly A.
Haynes, Richard L.
Kane, Cecelia D.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McKinney, Betsy
Parsons, Robert F.
Roulston, Donald L.
Stachowske, Vicki
Welch, David A.

Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, Phyllis
Lovejoy, Virginia K.
Malcolm, Kenneth W.
Palazzo, Frank J., Sr.
Ritzo, Eugene
Senter, Marilyn P.
Vaughn, Charles L.
Weyler, Kenneth L.

Ford, Bert H.
Gourdeau, Raymond H.
Hynes, Carolyn E.
King, Roger C.
Mace, Ada L.
McCain, William F.
Pantelakos, Laura C.
Rosencrantz, James R.
Sherburne, John L.
Warburton, Calvin

STRAFFORD

Bickford, Drucilla
Frechette, Roland A.
Marston, Robert E.
Spencer, Leo J.
Torr, Ann M.

Brown, Julie M.
Gilmore, Gary
Martling, W. Kent
Sullivan, Henry P.
Torr, Ralph W.

Dionne, Albert J.
Keans, Sandra Balomenos
O'Brien, John
Swope, Warren L.

SULLIVAN

Burling, Peter Hoe
Hinrichsen, Keith
Peyron, Fredrik

Domini, Irene C.
Krueger, Richard H.
Rodeschin, Beverly T.

Harland, Jane A.
MacAskill, Kenneth M.
Stamatakis, Carol M.

NAYS 142

BELKNAP

Golden, Paul A.
Pearson, Ralph W.
Ziegra, Alice S.

Hardy, Earle D.
Richardson, Lawrence

Holbrook, Robert G.
Turner, Robert H.

CARROLL

Olimpio, J. Lisbeth

CHESHIRE

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
Morse, Jo-Ann T.

Cole, Stacey W.
Foster, Katherine Davis
LaMar, David M.
Sawyer, Alfred P.

Crutchley, Donald O.
Gordon, Irvin H.
Metzger, Katherine H.

COOS

Brungot, Catherine V.
Oleson, Otto H.

Marsh, Beaton
Theriault, Romeo J.

Mayhew, Josephine
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Copenhaver, Marion L.
Hill, Richard L.
Scanlan, David M.
Weymouth, Philip H.

Arnesen, Deborah L.
Densmore, Edward D.
LaMott, Paul I.
Townsend, Howard C.

Brown, Channing T.
Driscoll, William J.
Rose, William B.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Daigle, Robert Arthur

Amidon, Eleanor H.
Bourque, Ann J.
Desrochers, Gerard T.

Andrews, Frederick B.
Cowenhoven, Garret P.
Dionne, Paul R.

Dwyer, Patricia R.
 Flood, Jacqueline J.
 Gureckis, Adam C., Sr.
 Johnson, Lionel W.
 Knight, Alice Tirrell
 Lown, Elizabeth
 Morrisette, Roland
 Paquette, Rodolphe G.
 Reidy, Frank J.
 Sallada, Roland A.
 Tarpley, Nancy L.
 Wright, George W.

Elliott, Larry G.
 Gagnon, Gabrielle V.
 Haettenschwiller, A. A.
 Keefe, Edmund M.
 Lawrence, Eva M.
 Mason, Howard F.
 Nardi, Theodora P.
 Pignatelli, Debora B.
 Robinson, Ellen-Ann
 Spaloss, Henry F.
 Upton, Barbara Allen
 Young, Willard N.

Fields, Dennis H.
 Goulet, Maurice E.
 Holden, Carol H.
 Kelley, Robert N.
 Lefebvre, Roland J.
 McRae, Karen
 O'Rourke, JoAnne A.
 Prestipino, Bartolo V.
 Rodgers, G. Philip
 Stiles, Walter A.
 Vanderlosk, Stanley R.

MERRIMACK

Asplund, Bronwyn L.
 Daneault, Gabriel
 Gross, Caroline L.
 Hayes, Robert C.
 Lewis, Mary Ann
 Wallner, Mary Jane

Bardsley, Elizabeth S.
 Dunn, Miriam
 Hager, Elizabeth
 Holmes, Mary C.
 Lockwood, Robert A.

Boucher, Laurent J.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Kidder, William F.
 Millard, Elizabeth S.

ROCKINGHAM

Bell, Juanita
 Campbell, Eunice M.
 Fesh, Robert M.
 Hollingworth, Beverly A.
 Klemarczyk, Thaddeus E.
 McCarthy, John James, Jr.
 Raynowska, Bernard J.
 Simon, Peter M.
 Splaine, John E., Sr.
 Vartanian, Elsie

Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Flanders, Harry E.
 Johnson, Robert A.
 MacDonald, Joseph A.
 Parr, Ednapearl F.
 Remick, Barbara R.
 Skinner, Patricia M.
 Sytek, Donna
 Weddle, Michael Rodney

Brown, Lewis W.
 Dube, LeRoy S.
 Greene, Elizabeth A.
 Katsakiores, George N.
 MacDonald, Maurice B.
 Popov, Elizabeth M.
 Seward, Russell G.
 Sochalski, Matthew M.
 Tufts, J. Arthur

STRAFFORD

Appleby, James E.
 Flynn, Edward J.
 Pelley, Janet R.
 Vincent, Francis C.

Bernard, Mary E.
 Kinney, Paula J.
 Scharff, Thomas Edward
 Young, John B.

Flynn, Anita A.
 Parks, Joe B.
 Stewart, Glenn W.

SULLIVAN

Behrens, Thomas A.
 Schotanus, Merle W.,
 and the substitute motion was adopted.

Flint, Gordon B.

Middleton, John A.

Ordered to third reading.

HB 1082-FN-A, making an appropriation to the Wallop-Breaux fund. OUGHT TO PASS WITH AMENDMENT.

As amended, this bill appropriates \$60,000 to the Wallop-Breaux fund from the Fish and Game fund for the purpose of increasing federal matching funds to promote public access to New Hampshire waters. Vote 19-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$60,000 is appropriated to the department of fish and game for the fiscal year ending June 30, 1991, to be deposited into the Wallop-Breaux fund. This appropriation shall be nonlapsing and in addition to any other funds appropriated to the department for the biennium. This appropriation shall be a charge against the fish and game fund.

Amendment adopted.

Ordered to third reading.

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 1 at 1:00.

Adopted.

LATE SESSION**Third reading and final passage**

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor.

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor.

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price.

HB 700, imposing minimum mandatory sentences for felonious use of firearms.

HB 725-FN, relative to the highway fund.

HB 1082, making an appropriation to the Wallop-Breaux fund.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies.

HB 1108-FN, establishing a committee to study child care in public and private sector buildings.

HB 1316-FN, relative to the uniform reciprocal enforcement of support act.

HB 1035, relative to biennial fish and game hearings.

HB 1036-FN, relative to nonresident and resident wholesale marine species licenses.

HB 1062, relative to record books kept by registers of deeds.

HB 1110, relative to the election of Sullivan and Belknap County commissioners.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate.

HB 1054, relative to memorials for veterans.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza.

HB 1183, relative to supervision of highway agents.

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation.

HB 1185, to reclassify portions of certain highways in the town of New Castle.

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles.

HB 1066, relative to the operation of bingo games.

HB 1439-FN, relative to the reimbursement to the state for certain services rendered at race tracks.

HB 1047, establishing a commission with the state of Maine on Lake Umbagog.

HB 430-FN, relative to certification for real estate appraisers.

HB 1241, relative to the observance of Memorial Day.

Rep. Gross moved the House adjourn.

Adopted.

The House adjourned at 6:00 p.m.

HOUSE JOURNAL No. 8

Thursday, February 1, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend James Christon, Chaplain of the Veterans Administration Hospital; Pastor Emeritus Assumption Greek Orthodox Church of Manchester, guest of Scott Green.

As we enter this new decade that has opened up before us, O Lord, let us not forget Your goodness in the constant gifts You bestow upon us out of Your providence and grace.: for life and all that makes life worth living; for home and kinship and friendship; especially for all those who dedicatedly labor within these renowned halls to preserve Your truths for this sovereign State.

Keep them and us loyal to Your supreme law even as we acknowledge our utter dependence on You.

We beseech You to inspire them. Let them openly debate the issues with boldness affirming truth in all aspects.

Strengthen them in their wills and pursuits so that having only harmony of mind and spirit to inspire them order may ensue as the ever present theme of encounter. Imbue them with wisdom and understanding. Let the common good take precedence over all personal considerations. Permit them to use the dignity of the august office well but never to abuse it. Guide them in all their deliberations to the perfection of Your will and to Your Glory. Amen.

Rep. Sullivan led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Biondi, Brady, Daniel Eaton, Kincaid, Peyron, Rice, Sanderson, Lillian Soucy and Wall, the day, illness.

Reps. Lionel Boucher, Callaghan, Drake, Foss, Kuchinski, Lefebvre, Theriault, Wallner, West and Willard Young, the day, important business.

Rep. Forsythe, death in the family.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Rep. MaryAnn Blanchard served notice that today, February 1, or some subsequent day as limited by the rules, she will move that the House reconsider its action whereby it found HB 1255, an act relative to rent justification in manufactured housing parks, Inexpedient to Legislate.

INTRODUCTION OF GUESTS

Priscilla Brown, wife and guest of Rep. Lewis Brown; 8th grade class from the Butch Lewis Junior High School in Farmington, guests of Reps. Sullivan and Tsiros; Marilyn Klemm, wife and guest of Rep. Klemm; Harry E. Gregory Jr., guest of Deputy Speaker Burns; members of Hanover High School Council and advisor, Molly Blight, guests of Rep. Nordgren; Skip Bean, husband and guest of Rep. Bean.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 442, establishing a lakes management and protection program and making an appropriation therefor, was removed at the request of Reps. Gross and Dickinson.

HB 1297, establishing a committee to study meeting scheduling for the House of Representatives, was removed at the request of Rep. Woodburn.

HB 1317, relative to a feasibility study for a monorail system at Hampton Beach, was removed at the request of Rep. Ritzo.

Adopted.

(Speaker in the Chair)

HB 95-FN, relative to eligibility criteria for AFDC recipients. (A) OUGHT TO PASS WITH AMENDMENT.

This bill puts in place a new program that is mandated by federal law effective October 1, 1990. If we fail to meet the mandate we lose all federal money for AFDC. The amendment strikes the appropriation but the money for the program is in the budget. Vote 16-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the bill by deleting section 2 and renumbering section 3 to read as 2.

AMENDED ANALYSIS

This bill amends the eligibility criteria of the state's AFDC program by providing eligibility to families where the child has been deprived of parental support and care by reason of the unemployment of his or her parent who is the principal wage earner.

HB 1198-FN, relative to disputes arising out of placement of a child by a custodial parent in a private school or drug treatment facility. INEXPEDIENT TO LEGISLATE.

In Subcommittee, additional input and discussion brought out the fact that the bill did not really address the issues, as seen by the advocates who asked that the bill be put into study. Agreement by individual Committee members to work on a new bill for 1991 made interim study unnecessary, thereby leading to Inexpedient to Legislate. Vote 17-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 1227-FN, relative to local prevention programs. OUGHT TO PASS WITH AMENDMENT.

This bill is intended to further distribute certain available funds to the bottom level of prevention to the towns, cities and counties. The distribution is contingent upon the designated level developing and maintaining prevention programs other than placing children outside the home. Vote 18-0. Rep. Stanley N. Searles for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to local prevention programs and establishing a committee
to initiate a statewide community-based plan for the
prevention of child abuse and neglect.

Amend the bill by replacing all after the enacting clause with the following:

1 Prevention Programs Included. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns and counties to develop and maintain *prevention programs*, court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing,

prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated in each fiscal year to the division for children and youth services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the director. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

2 Purpose. The purpose of the statewide community-based plan for the prevention of child abuse and neglect developed by the committee established in section 3 of this act shall be to:

I. Support the work of local prevention coordinating groups.

II. Define programs and services which have been successful in preventing child abuse and neglect in varying urban and rural settings.

III. Encourage sharing of information between state and local prevention planning groups and to recognize successful prevention efforts.

3 Committee Established. A committee is established to develop a statewide plan for the prevention of child abuse and neglect. The committee shall consist of the following members:

I. One member from the house committee on children, youth and juvenile justice, appointed by the chairman of the committee on children, youth, and juvenile justice.

II. One member of the senate, appointed by the senate president.

III. The director of the New Hampshire Task Force on Child Abuse and Neglect or designee.

IV. The director of the division for children and youth services or designee.

V. A representative of the county commissioners, appointed by the governor and council.

VI. A representative from the children's trust fund, appointed by the governor and council.

VII. Two members representing local child abuse coordinating councils from different regions of the state, appointed by the governor and council.

4 Meetings; Compensation. The committee member who is the house member from the committee on children, youth, and juvenile justice shall act as interim chair of the committee and shall call the first meeting of the committee within 30 days of the effective date of this act. The committee shall elect a chair and vice-chair at its first meeting. Committee members shall serve without compensation or mileage reimbursements.

5 Mechanism for Local and Interdisciplinary Input to the Plan. The committee shall assure that local communities provide significant input to development of the plan. The committee shall gather input from representatives of at least the following disciplines and groups: education, health, mental health, law enforcement, drug and alcohol abuse prevention, parents, and clergy.

6 Report. The committee shall prepare an interim report on its progress 6 months after the effective date of this act, and shall prepare a final report within one year of the effective date of this act. The committee shall submit such reports to the speaker of the house, the senate president, and the governor.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies that it is the legislature's intent that the division for children and youth services, department of health and human services, be authorized to distribute certain funds to cities, towns and counties for prevention programs. Currently only court diversion programs and alternative dispositions for juveniles other than placements outside of the home are specified in the law as eligible for such funds.

This bill also establishes a committee to develop a statewide community-based plan for the prevention of child abuse and neglect.

HB 1281-FN, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy. OUGHT TO PASS WITH AMENDMENT.

House Bill 1281 establishes a study committee to examine the very serious issue of pregnant and nursing women who are at risk of drug and alcohol abuse and the effect on infants. The Committee feels this study committee is very important in beginning the work on a serious problem facing New Hampshire women and children. The amendment adds members to the study committee. Vote 18-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Amendment

Amend paragraph I of section 2 of the bill by replacing all after subparagraph (g) with the following:

(h) A liquor commissioner, appointed by the chairman of the liquor commission.

(i) Six members appointed by the governor, one of whom shall be an obstetrician, one of whom shall be a pediatrician, and the remainder of whom shall be alcohol and drug abuse counselors, medical professionals, educators, or pastoral counselors.

HB 1315-FN, relative to child support guidelines. OUGHT TO PASS WITH AMENDMENT.

The bill authorizes parents, as required by federal regulations, to apply for modification of child support, also permits parties to deduct the amount of any state income taxes. The bill also makes minor technical changes to child support guidelines. This bill was requested by the Division of Human Services. Vote 15-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing all after section 4 with the following:

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill permits parties to deduct the amount of any state income taxes they have actually paid from the parents' combined adjusted gross income in the calculation of the parties' net income performed for the purposes of determining child support.

The bill also makes minor technical changes to the child support guidelines law.

The bill is a request of the division of human services, department of health and human services.

HB 1073, relative to sales representatives' contracts. OUGHT TO PASS.

This bill redefines "termination of services" in RSA 339-E to include the end of services resulting from death. RSA 339-E establishes requirements for written con-

tracts between sales representatives and principals. Vote 11-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner. OUGHT TO PASS WITH AMENDMENT.

This bill, by request of the Banking Department, will insure that the lienholders will be notified in advance of a termination of tenancy by a park owner of a manufactured home. The amendment refers to another RSA that describes the rights of the park owner. Vote 11-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Notice to Lienholders. Amend RSA 205-A by inserting after section 4 the following new section:

205-A:4-a Notice to Lienholders. At least 20 days prior to termination of a tenancy in a manufactured housing park, the park owner or operator shall give written notice to any holder of a lien upon such manufactured housing specifying the amounts due under RSA 205-A:4, I, provided that such lienholder previously has informed the park owner in writing of its lien. Upon payment of all amounts due as specified in the notice, the lienholder shall have the right to commence foreclosure or similar proceedings. If the lienholder has satisfied all of the obligations of the tenant, it shall have all of the rights of the tenant to sell the manufactured housing in the park. Such sale shall be subject to RSA 205-A:2, II. Failure to give such notice to the lienholder shall bar eviction of the tenant pursuant to RSA 205-A:4, I, but shall not constitute a basis for liability of the park owner or operator to the lienholder.

HB 1280, relative to funeral establishments. INEXPEDIENT TO LEGISLATE.

Testimony revealed that there are few (a half dozen) funeral homes who sell monuments as part of their services. The Committee felt this is an undue restraint of trade. Vote 11-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 1368-FN, to impose a disposable diaper fee. REFER FOR INTERIM STUDY.

Following lengthy debate, the Committee voted to send this bill to study. Committee discussions ranged from passing this bill to banning the sale of disposable diapers in this state. A Subcommittee learned of a new technology which may soon be available to deal not only with disposable diapers, but also with the even greater solid waste problem of other organic materials deposited in landfills.

Because issues involved in solid waste disposal and assessing fees on items in the waste stream are complex and have far-reaching ramifications, the Committee felt the appropriate disposition of this bill was to study it. The time allowed by study will enable the Committee to form some consensus which is presently lacking. Vote 18-1. Rep. Bonnie Lou McCann for Environment and Agriculture.

HB 1417-FN, enabling municipalities to enact a local land use change surtax. INEXPEDIENT TO LEGISLATE.

Municipalities can currently vote to devote any portion of the Land Use Change Tax for land preservation. The Committee also received a great deal of testimony relative to the unconstitutionality of the surtax. Vote 17-0. Rep. George T. Musler for Environment and Agriculture.

HB 1012-FN, establishing a study committee on allowing jurors to ask questions during trials. **INEXPEDIENT TO LEGISLATE.**

The Committee feels that this idea is not a good one; that allowing jury questions will severely disrupt the way in which jury trials proceed, and that there is almost no reason to think that this will improve our system of justice. Vote 17-0. Rep. Peter Hoe Burling for Judiciary.

HB 1021-FN, establishing a committee to study fixed terms for judges. **INEXPEDIENT TO LEGISLATE.**

The term of judges is established by Part I, Article 35 of the New Hampshire Constitution. The subject of this bill was debated at great length during the Constitutional Convention of 1984. The drawbacks and frailties of fixed judicial terms were overwhelming that every suggestion was turned down. No evidence was presented to indicate any change has occurred to justify a study. The Committee voted 16-0 to continue the current constitutional procedure. Rep. Robert E. Murphy for Judiciary.

HB 1372, relative to interim rules under the administrative procedure act. **OUGHT TO PASS.**

This bill amends the interim rules provision of the Administrative Procedure Act by requiring interim rules to be filed within 15 days of Administrative Rules Committee approval, and by providing that such rules take effect upon filing except if a statute, judicial decision or federal requirement has an effective date which falls on a holiday or weekend. If the effective date falls on a holiday or weekend, the agency would specify such effective date and thus assure its compliance with mandated deadlines. This bill was requested by the Division of Health and Human Services. Vote 14-0. Rep. Ann M. Torr for Legislative Administration.

HB 1079-FN, relative to qualifying for the veterans' property tax exemption. **INEXPEDIENT TO LEGISLATE.**

The Committee unanimously voted this bill as Inexpedient to Legislate due to the 1989 HB 644, Chapter 270, already on the books, which clarifies the situation. Vote 14-0. Rep. Lewis M. Brown for Municipal and County Government.

HB 1140, relative to the selectmen of towns. **OUGHT TO PASS.**

This bill simply reduces the resident size of a town from 5,000 population to 2,500 population for the granting of the power under RSA 41:8-a to increase the size of the Board of Selectmen from three to five members. There was no dissenting testimony. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements. **OUGHT TO PASS.**

The Committee supported the request made for the Authority to borrow needed funds. This is complementary legislation to that passed last year for the Gunstock area and is supported by the Belknap County Delegation. Vote 12-2. Rep. Fredrik Peyron for Public Works.

HB 1127, relative to disturbances to highway surfaces and adjacent areas and weight limits on municipal highways. **INEXPEDIENT TO LEGISLATE.**

There appears to be enough statutes on the books to address the concern expressed with this legislation. Vote 14-0. Rep. Fredrik Peyron for Public Works.

HB 1180, relative to the completion of the study date of the Concord to Spaulding Turnpike. INEXPEDIENT TO LEGISLATE.

This bill would extend the completion of the East-West Highway Study from June 30, 1990 to December 31, 1991. This subject will be dealt with in SB 398 later this session. Vote 15-0. Rep. Roland A. Frechette for Public Works.

HB 1253-FN, granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire former P.O.W. license plates. INEXPEDIENT TO LEGISLATE.

The Committee recognizes the sacrifice made by veterans who were POWs. However, other veteran groups made similar sacrifices and are not granted toll-free use of state turnpikes which is against the general policy of the state. Vote 13-0. Rep. Daniel P. McNerney for Public Works.

HB 1343-FN, establishing a study committee on private contract prison systems. OUGHT TO PASS.

This concept has been tried and studied in other states and has been found to have merit. The Committee feels it would be prudent to study this subject here in New Hampshire. Vote 14-0. Rep. David K. Wheeler for Public Works.

HB 1030, relative to cease and desist orders issued by the director of the division of forests and lands. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, authorizes the Director of Forests and Lands or his agents to issue cease and desist orders for violations of laws and regulations pertaining to logging operations. Vote 12-2. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Forests. Amend RSA 79:28-a to read as follows:

79:28-a Cease and Desist Orders; Penalty. The director of the division of forests and lands, department of resources and economic development, or his authorized agents, [shall] *may* issue a written cease and desist order against any [act] *timber operation* in violation of this chapter [not specifically covered by other penalty provisions]. Any such [act] *violation* may be enjoined by the superior court, upon application of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

2 Cease and Desist Orders. Amend RSA 224:1-c to read as follows:

224:1-c Cease and Desist Orders; Penalty. The director of the division of forests and lands, department of resources and economic development, or his authorized agents, [shall] *may* issue a written cease and desist order against any [act] *timber operation* in violation of this chapter[, not specifically covered by other penalty provisions]. Any such [act] *violation* may be enjoined by the superior court, upon application of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

3 Fill and Dredge in Wetlands. Amend RSA 482-A:14-a to read as follows:

482-A:14-a Cease and Desist Orders; Penalty. The director of the division of forests and lands, department of resources and economic development, or his authorized agents, [shall] *may* issue a written cease and desist order against any [act] *timber operation* in violation of this chapter [not specifically covered by other penalty provisions]. Any such [act] *violation* may be enjoined by the superior court, upon applica-

tion of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

4 Pollution and Waste Disposal. Amend RSA 485-A:22-a to read as follows:

485-A:22-a Cease and Desist Orders; Penalty. The director of the division of forests and lands, department of resources and economic development, or his authorized agents, [shall] *may* issue a written cease and desist order against any [act] *timber operation* in violation of this chapter [not specifically covered by other penalty provisions]. Any such [act] *violation* may be enjoined by the superior court, upon application of the attorney general. A person failing to comply with the cease and desist order shall be guilty of a violation.

AMENDED ANALYSIS

This bill is a request of the division of forests and lands, department of resources and economic development.

The bill authorizes the director of the division of forests and lands and his authorized agents to issue cease and desist orders for any timber operation violation of RSA 79, 224, 482-A or 485-A.

HB 1145-FN, relative to allowing dogs in all state parks. INEXPEDIENT TO LEGISLATE.

The Committee feels that this bill is unnecessary because the Director of the Division of Parks and Recreation plans to review the rules pertaining to pets in state parks. All complaints concerning the restrictions presently in force should be sent in writing to the Director of Parks and Recreation. Vote 14-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

HB 1419, relative to the Monadnock advisory commission. OUGHT TO PASS.

This bill adds Little Monadnock Mountain in Fitzwilliam to the jurisdiction of the Monadnock Advisory Commission and rescinds veto power and gives the Commission direction to assist the Department of Resources and Economic Development in development of a management plan for Mount Monadnock — Gap Mountain and Little Monadnock Mountain. Vote 14-0. Rep. Stephen G. Avery for Resources, Recreation and Development.

HB 1334-FN, relative to telephone utilities service territories. OUGHT TO PASS WITH AMENDMENT.

This bill provides the Public Utilities Commission with a procedure to resolve disputes between telephone utilities over the location of telephone utilities service territory boundaries. Legislation is needed because of increased growth in areas of the state where the service territories have deviated from traditional boundaries. Vote 9-1. Reps. David B. Wright and Susan N. Harlan for Science, Technology and Energy.

Amendment

Amend RSA 374:22-e as inserted by section 1 of the bill by replacing it with the following:

374:22-e Service Territories; Commission Jurisdiction.

I. If 2 or more telephone utilities find that they provide the same service in the same area or that existing maps create overlapping service territories, the commission, upon application by one or both of the affected utilities, shall define, alter, or establish service territories. In establishing or altering service territories, the commission shall consider the following:

- (a) Existing service areas;
- (b) Any voluntary agreements between or among 2 or more such telephone utilities which define the service territories of those utilities;
- (c) Consistency with the orderly development of the region;
- (d) Natural geographical boundaries;
- (e) Compatibility with the interests of all consumers; and
- (f) All other relevant factors.

II. The commission shall have power to exercise the jurisdiction conferred in this section only after due notice to all interested parties and hearing. After consideration of the factors established by paragraph I of this section, and after making findings that the service territories established or altered are consistent with the public good, the commission shall establish the service territory of each telephone utility. The service territory thus established shall be sufficiently definite and precise so that its boundaries may be accurately determined.

Amend RSA 374:22-f as inserted by section 1 of the bill by replacing it with the following:

374:22-f Service Territories Served by Several Telephone Utilities. A telephone utility shall not construct or extend its facilities, or furnish or offer to furnish its service to premises within the service territory of another telephone utility, except when requested to do so by the utility in whose territory the premises are located and when the commission, upon petition finds and determines that the service proposed to be rendered by the telephone utility will be consistent with the criteria set forth in RSA 374:22-e.

Amend RSA 378:36 as inserted by section 2 of the bill by replacing it with the following:

378:36 Apportionment. If the public utilities affected thereby shall fail to agree upon the division or apportionment thereof, the commission may prescribe the division of such joint rates, fares, charges and classifications between such public utilities and may revise any division agreed upon which shall be found inconsistent with the public interest. *In making such apportionment, the commission shall consider the financial impact of the apportionment on each utility affected by such apportionment.*

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester. OUGHT TO PASS WITH AMENDMENT.

This bill restricts the speed of powerboats on the Piscataquog River in the town of Goffstown and the city of Manchester to 40 miles per hour during the day and no wake speed during the night. Vote 13-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend RSA 270:120 as inserted by section 1 of the bill by replacing it with the following:

270:120 Piscataquog River. No person shall use or operate any powerboat in excess of 40 miles per hour 1/2 hour before sunrise to 1/2 hour after sunset or in excess of no wake speed from dusk to dawn on the Piscataquog River in the town of Goffstown and the city of Manchester. Any person who violates the provisions of this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill restricts the speed of powerboats on the Piscataquog River in Goffstown and Manchester to 40 miles per hour during the day and no wake speed during the night.

REGULAR CALENDAR

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991. **OUGHT TO PASS WITH AMENDMENT.**

This is the new state budget which reduces spending for the biennium. It will be explained in detail on the House Floor. Vote 13-6. Rep. William F. Kidder for Appropriations

The committee amendment was published separately as House Record 20 and is included by reference.

Reps. Kidder and Rose spoke in favor of the amendment.

Rep. Domaingue spoke against the amendment.

A roll call was called for. Sufficiently seconded.

YEAS 206**NAYS 139****YEAS 206****BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hill, Douglas E.
Matson, William R.
Pearson, Gertrude B.
Spear, Susan

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Morse, Jo-Ann T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Chambers, Mary P.
Hill, Richard L.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Densmore, Edward D.
LaMott, Paul I.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Vivian
 Cowenhoven, Garret P.
 Dodge, Emma M.
 Fields, Dennis H.
 Grip, Robert H.
 Holden, Carol H.
 Klose, John F.
 Lachut, Ervin R.
 McCann, Bonnie Lou
 Pappas, Toni
 Record, Alice Barnard
 Rodgers, G. Philip
 Smith, Leonard A.
 Upton, Barbara Allen

Amidon, Eleanor H.
 Bicknell, Robert C.
 Culbert, Patrick
 Drolet, Paul L.
 Ford, Nancy M.
 Gureckis, Adam C., Sr.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lawrence, Eva M.
 Messier, Irene M.
 Paquette, Rodolphe G.
 Rheault, Lillian I.
 Sallada, Roland A.
 Steiner, Lee Anne
 Vanderlosk, Stanley R.

Andrews, Frederick B.
 Bowers, Dorothy C.
 Desrosiers, William J.
 Dyer, Merton S.
 Goulet, Maurice E.
 Harlan, Susan N.
 Kelley, Robert N.
 Kurk, Neal M.
 Mason, Howard F.
 Murphy, Robert E.
 Prestipino, Bartolo V.
 Robinson, Ellen-Ann
 Schneiderat, Catherine
 Toomey, Daniel
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Boucher, Laurent J.
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Pantzer, Eugene
 Shaw, Randall F.
 Teague, Bert

Apple, Lowell D.
 Carter, Susan D.
 Gross, Caroline L.
 Hayes, Robert C.
 Johnson, C. William
 Lockwood, Robert A.
 Pfaff, Terence R.
 Smith, Gerald R.
 Whittemore, James A.

Bardsley, Elizabeth S.
 Fillion, Paul R.
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Phelps, James D.
 Stio, Peter M.

ROCKINGHAM

Benton, Richardson D.
 Buco, Stephen
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Vartanian, Elsie

Boucher, William Paul
 Campbell, Eunice M.
 Cooke, Annette M.
 Flanagan, Natalie S.
 Ford, Bert H.
 Haynes, Richard L.
 Johnson, Robert A.
 King, Roger C.
 Mace, Ada L.
 McCarthy, John James, Jr.
 Parr, Ednapearl F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Simon, Peter M.
 Sytek, Donna
 Weyler, Kenneth L.

Brown, Lewis W.
 Campbell, Marilyn R.
 Cote, Patricia L.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoar, John, Jr.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 McKinney, Betsy
 Parsons, Robert F.
 Roulston, Donald L.
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur

STRAFFORD

Appleby, James E.
 Kinney, Paula J.

Bernard, Mary E.
 Martling, W. Kent

Bickford, Drucilla
 McCann, William H., Jr.

Musler, George T.
Swope, Warren L.
Young, John B.

Parks, Joe B.
Torr, Ann M.

Stewart, Glenn W.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.

Domini, Irene C.
Krueger, Richard H.
Rodeschin, Beverly T.

Flint, Gordon B.
MacAskill, Kenneth M.
Schotanus, Merle W.

NAYS 139

BELKNAP

Maviglio, Steven R.

Richardson, Lawrence

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Blacketor, Paul G.
Foster, Katherine Davis
Pratt, Irene A.

Cole, Kenneth A.
LaMar, David M.
Young, David A.

Doucette, Richard F.
Pierce, David A.

COOS

Kilbride, Dennis J.
Nelson, Harold D.

Lemire, George
Oleson, Otto H.

Mayhew, Josephine
Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Nordgren, Sharon

Copenhaver, Marion L.

Markley, J. Keith

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Cote, David E.
Domaingue, Jacquelyn
Dube, Ellen C.
Emerton, Lawrence
Frank, Nancy G.
Green, Scott E.
Hanselman, Gregory L.
Jasper, Shawn N.
Johnson, Lionel W.
Lawrence, Norman B.
Lozeau, DonnaLee
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Spaloss, Henry F.
Turgeon, Roland M.
Wright, George W.

Baldizar, Barbara J.
Bourque, Ann J.
Daigle, Robert Arthur
Donovan, Francis X.
Dwyer, Patricia R.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Leclerc, Charles J.
McDowell, James E.
Morrissette, Roland
Packard, Bonnie B.
Reidy, Frank J.
Stiles, Walter A.
Tyree, Paul M.

Barry, Janet Gail
Burkush, Peter
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dykstra, Leona
Foote, Herbert N., Sr.
Gerow, Sezen M.
Hall, Betty B.
Hunter, Bruce F.
Jenkins, Mary
Kress, Gloria W.
Lown, Elizabeth
McNerney, Daniel P.
Nardi, Theodora P.
Pepino, Leo P.
Riley, Frances L.
Tarpley, Nancy L.
Wheeler, David K.

MERRIMACK

Beaton, Nancy
Daneault, Gabriel

Bennett, J. Allen
Dunn, Miriam

Braiterman, Thea
Fair, Patricia A.

Gilbreth, Robert M.
Provençal, Leo A.

Jacobson, Alf E.
Soldati, Jennifer

Nichols, Avis B.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Dube, LeRoy S.
Gourdeau, Raymond H.
Kane, Cecelia D.
MacDonald, Joseph A.
McGovern, Cynthia A.
Popov, Elizabeth M.
Splaine, John E., Sr.
Welch, David A.

Bell, Juanita
Caswell, Albert, Jr.
Fesh, Robert M.
Hollingworth, Beverly A.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
Palazzo, Frank J., Sr.
Remick, Barbara R.
Vaughn, Charles L.
Wright, David B.

Blanchard, MaryAnn N.
Chase, Lawrence A., Jr.
Gage, Beverly A.
Hynes, Carolyn E.
Lovejoy, Virginia K.
McCain, William F.
Pantelakos, Laura C.
Rosencrantz, James R.
Weddle, Michael Rodney

STRAFFORD

Brown, Julie M.
Flynn, Anita A.
Gilmore, Gary
Marston, Robert E.
Pelley, Janet R.
Sullivan, Henry P.
Wheeler, Katherine Wells

Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra Balomenos
Merrill, Amanda
Scharff, Thomas Edward
Tsiros, William

Dionne, Albert J.
Frechette, Roland A.
Lachance, Douglas
O'Brien, John
Spencer, Leo J.
Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe Stamatakis, Carol M.,
and the amendment was adopted.

Reps. Barberia and Searles wished to be recorded in favor of the amendment.

Reps. Elliott and Ouellette wished to be recorded against the amendment.

Rep. Townsend offered an amendment and spoke to his amendment.

Amendment

Amend the bill by replacing section 15 with the following:

15 Appropriation; Department of Administrative Services. In addition to the sums appropriated to the department of administrative services, division of personnel in section 1, the following sums are appropriated to PAU 01, 04, 04, 01:

| | Fiscal Year 1990 | Fiscal Year 1991 |
|-----------------------------------|------------------------|------------------------|
| Class 20 current expense | \$14,000 | \$14,000 |
| Class 50 other personnel services | -0- | 37,030 |
| | \$14,000 | \$51,030 |

This appropriation includes funds for the personnel appeals board. The governor is authorized to draw his warrant for such sums out of any money in the treasury not otherwise appropriated.

16 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Chambers and Copenhaver spoke against the report.

Rep. Gross spoke in favor of the report.

A roll call was called for. Sufficiently seconded.

YEAS 212**NAYS 143****YEAS 212****BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hill, Douglas E.
Metzger, Katherine H.
Perry, David M.

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Larson, Nils H., Jr.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Driscoll, William J.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Hill, Richard L.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Cowenhoven, Garret P.
Dionne, Paul R.
Dyer, Merton S.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Eva M.
McCann, Bonnie Lou
Paquette, Rodolphe G.
Record, Alice Barnard
Rodgers, G. Philip
Searles, Stanley N., Sr.
Upton, Barbara Allen

Amidon, Eleanor H.
Bicknell, Robert C.
Culbert, Patrick
Dodge, Emma M.
Emerton, Lawrence
Goulet, Maurice E.
Harlan, Susan N.
Kelley, Robert N.
Kurk, Neal M.
Lown, Elizabeth
Messier, Irene M.
Perham, Lester R.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Vanderlosk, Stanley R.

Andrews, Frederick B.
Bowers, Dorothy C.
Desrosiers, William J.
Drolet, Paul L.
Fields, Dennis H.
Grip, Robert H.
Holden, Carol H.
Klose, John F.
Lachut, Ervin R.
Mason, Howard F.
Pappas, Toni
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Stio, Peter M.

Apple, Lowell D.
Boucher, Laurent J.
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Teague, Bert

Barberia, Richard A.
Carter, Susan D.
Gross, Caroline L.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Shaw, Randall F.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Cooke, Annette M.
Flanagan, Natalie S.
Ford, Bert H.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Magoon, Harold F.
McCarthy, John James, Jr.
Parr, Ednapearl F.
Ritzo, Eugene
Senter, Merilyn P.
Simon, Peter M.
Sytek, Donna
Warburton, Calvin
Weyler, Kenneth L.

Boucher, William Paul
Buco, Stephen
Chase, Lawrence A., Jr.
Cote, Patricia L.
Flanders, Harry E.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Malcolm, Kenneth W.
McKinney, Betsy
Parsons, Robert F.
Roulston, Donald L.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Welch, David A.

Brown, Jeffrey M.
Campbell, Eunice M.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Mace, Ada L.
McCain, William F.
Micklon, Stephanie K.
Raynowska, Bernard J.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie
Wells, Henry E.

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Musler, George T.
Swope, Warren L.
Young, John B.

Bernard, Mary E.
Kinney, Paula J.
Parks, Joe B.
Torr, Ann M.

Bickford, Drucilla
Martling, W. Kent
Stewart, Glenn W.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Rodeschin, Beverly T.

Domini, Irene C.
Krueger, Richard H.
Schotanus, Merle W.

Flint, Gordon B.
Middleton, John A.

NAYS 143**BELKNAP**

Maviglio, Steven R.

Richardson, Lawrence

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Blacketer, Paul G.
Foster, Katherine Davis
Pierce, David A.
Young, David A.

Cole, Kenneth A.
LaMar, David M.
Pratt, Irene A.

Doucette, Richard F.
Matson, William R.
Spear, Susan

COOS

Kilbride, Dennis J.
Nelson, Harold D.

Lemire, George
Oleson, Otto H.

Mayhew, Josephine
Woodburn, Jeffrey R.

GRAFTON

Chambers, Mary P.
Dow, David
Markley, J. Keith

Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon

Densmore, Edward D.
LaMott, Paul I.

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Cote, David E.
Domaingue, Jacquelyn
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
Kress, Gloria W.
Lozeau, Donnalee
Moore, Elizabeth A.
Nardi, Theodora P.
Packard, Bonnie B.
Reidy, Frank J.
Stiles, Walter A.
Turgeon, Roland M.
Wright, George W.

Baldizar, Barbara J.
Bourque, Ann J.
Daigle, Robert Arthur
Donovan, Francis X.
Dwyer, Patricia R.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Healy, Daniel J.
Jasper, Shawn N.
Johnson, Lionel W.
Lawrence, Norman B.
McDowell, James E.
Morrissette, Roland
O'Rourke, JoAnne A.
Pepino, Leo P.
Riley, Frances L.
Tarpley, Nancy L.
Tyree, Paul M.

Barry, Janet Gail
Burkush, Peter
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dykstra, Leona
Foote, Herbert N., Sr.
Gerow, Sezen M.
Hall, Betty B.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Leclerc, Charles J.
McNerney, Daniel P.
Murphy, Robert E.
Ouellette, Robert O.
Pignatelli, Debora B.
Spaloss, Henry F.
Toomey, Daniel
Wheeler, David K.

MERRIMACK

Beaton, Nancy
Daneault, Gabriel
Gilbreth, Robert M.
Smith, Gerald R.

Bennett, J. Allen
Dunn, Miriam
Jacobson, Alf E.
Soldati, Jennifer

Braiterman, Thea
Fair, Patricia A.
Provencal, Leo A.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Gage, Beverly A.
Hynes, Carolyn E.
MacKinnon, Nancy W.
Pantelakos, Laura C.
Rosencrantz, James R.
Weddle, Michael Rodney

Bell, Juanita
Dube, LeRoy S.
Gourdeau, Raymond H.
Kane, Cecelia D.
McGovern, Cynthia A.
Popov, Elizabeth M.
Splaine, John E., Sr.
Wright, David B.

Blanchard, MaryAnn N.
Fesh, Robert M.
Hollingworth, Beverly A.
MacDonald, Joseph A.
Palazzo, Frank J., Sr.
Remick, Barbara R.
Vaughn, Charles L.

STRAFFORD

| | | |
|--------------------------|------------------------|---------------------|
| Brown, Julie M. | Burton, Wayne M. | Dionne, Albert J. |
| Flynn, Edward J. | Frechette, Roland A. | Gilmore, Gary |
| Keans, Sandra Balomenos | Lachance, Douglas | Marston, Robert E. |
| McCann, William H., Jr. | Merrill, Amanda | O'Brien, John |
| Pelley, Janet R. | Scharff, Thomas Edward | Spencer, Leo J. |
| Sullivan, Henry P. | Tsiros, William | Vincent, Francis C. |
| Wheeler, Katherine Wells | | |

SULLIVAN

| | | |
|--------------------|-----------------------|-----------------------|
| Burling, Peter Hoe | MacAskill, Kenneth M. | Stamatakis, Carol M., |
|--------------------|-----------------------|-----------------------|

and the report was adopted.

Ordered to third reading.

HB 1501-FN-A, relative to state revenues and expenditures. **OUGHT TO PASS WITH AMENDMENT.**

This is the support bill for HB 1500, the new budget. It is revenue positive and the changes will be explained on the House Floor at the time of the budget briefing. Vote 11-3. Rep. William F. Kidder for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Sale of Nashua Liquor Store No. 4. Notwithstanding the provisions of RSA 4:40 or any other law, liquor store No. 4 located at 34 High Street in the city of Nashua shall be sold to the highest bidder, provided that a minimum bid request shall be established. The net proceeds from the sale shall be deposited by the state treasurer in the general fund as unrestricted revenue.

2 Veterans Home; Cost Recovery of Addition. Other provisions of law notwithstanding, all funds recovered for federal participation in the construction of the New Hampshire veterans' home addition shall be deposited as general fund unrestricted revenue.

3 Lapsed Balances.

I. The nonlapsing balance of \$849,190 in the account established by 1989, 365:9, is hereby lapsed to the unappropriated surplus of the general fund.

II. The following omits are hereby lapsed to the unappropriated surplus of the general fund from 1989, 345:

| | |
|----------|----------|
| Class 50 | \$30,000 |
| Class 60 | 2,355 |
| Class 70 | 1,100 |
| Class 90 | 500 |
| Total | \$33,955 |

III. The following balances forward in the department of education are hereby lapsed to the unappropriated surplus of the general fund:

| | |
|-----------------|-----------|
| Account 6017-90 | \$ 911 |
| Account 6017-91 | 12,950 |
| Account 3260-94 | 24,652 |
| Account 6405-90 | 45,629 |
| Account 6030-90 | 317,000 |
| Total | \$401,142 |

IV.(a) Notwithstanding any other provisions of law, the following amounts are hereby lapsed to the unappropriated surplus of the general fund:

| | |
|----------------------------------|-------------|
| From the salary adjustment fund | \$ 953,900 |
| From the benefit adjustment fund | 89,464 |
| Total | \$1,043,364 |

(b) Such amounts represent savings from Executive Order 89-13.

4 New Section; Cornish-Windsor Bridge. Amend 1986, 203 as amended by 1987, 280 and 361; 1988, 247 and 266; and 1989, 289 by inserting after section 15-a the following new section:

203:15-b Appropriation to Reimburse Highway Surplus Account. The sum of \$2,800,000 is appropriated to reimburse the highway surplus account for the cost of restoration of the Cornish-Windsor Bridge authorized in 1987, 280. To provide funds for this appropriation, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,800,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Payment of principal and interest on such bonds and notes shall be made when due from the highway fund.

5 Supplemental Funding for Out-of-State Travel.

I. Any department, institution, board, commission or other agency, as defined in RSA 9:1, which finds after consultation with the fiscal committee, that a travel requirement exists and that it is without sufficient funds to pay for said travel, shall request the governor to transfer and expend such funds as are mutually approved from the fund established for special disbursements in the department of administrative services.

II. Any authorized expenditures by a highway or special fund agency shall be a charge against the appropriate fund. The governor is authorized to draw his warrant for sums authorized to be expended under paragraphs I and II from the appropriate funds.

III. The following agencies are exempted from paragraphs I and II: fish and game department, department of employment security, banking department, insurance department, public utilities commission, higher educational fund, New Hampshire retirement system, department of postsecondary-technical education, and the industrial development authority.

6 Repeal. The following are repealed:

I. 1989, 419:13 and 14, relative to appropriations for salary increases and other agreement cost items.

II. 1989, 419:15 and 16, relative to appropriations for employee health and dental benefits.

III. 1989, 419:17 and 18, relative to appropriations for retiree health benefits.

7 National Guard Scholarship Fund. Notwithstanding the provisions of RSA 110-B:60 and 61, all balances in and revenues due the New Hampshire national guard recruitment and retention scholarship fund shall be deposited as unrestricted revenue for the biennium ending June 30, 1991.

8 Postsecondary Technical Education Commission; Tuition. Notwithstanding any other provision of law, effective July 1, 1989, tuition for full-time equivalent day school students shall be \$1,550 at the 6 technical colleges and \$1,650 at the technical institute for the 89-90 school year. Effective January 1, 1990, tuition for full-time equivalent day school students shall be \$1,650 at the 6 technical colleges and \$1,750

at the technical institute for the 89-90 school year. Fees for part-time day school students shall be prorated.

9 Rulemaking Added. Amend the section heading of RSA 188-F:5 to read as follows:

188-F:5 Department Office; ***Rulemaking.***

10 New Paragraph; Rulemaking Added; Commissioner of Postsecondary Technical Education. Amend RSA 188-F:5 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt rules, under RSA 541-A, relative to regulating the operation of the department and its institutions. Such rules shall include, but not be limited to:

- (a) The rights and responsibilities of students.
- (b) Admissions requirements.
- (c) Requirements for use of system facilities by outside parties.
- (d) Standardized management and administrative policies.
- (e) Guidelines for establishing equity in the workload of the faculties of the colleges.

11 Rates for Other Services. Amend RSA 188-F:15 to read as follows:

188-F:15 Tuition; ***Rates for Other Services. Notwithstanding the provisions of RSA 541-A or any other law to the contrary, the board of governors shall establish tuition rates and fees for services beyond tuition at the technical institute and 6 technical colleges for both resident and nonresident students.*** Tuition received from the technical institute and the technical colleges shall be paid to the state treasurer who shall keep it in a separate account.

12 Repeal. RSA 188-F:7-a, relative to the duties of the administrative board.

13 Transfer; Health and Human Services. Notwithstanding any other provision of law, the commissioner of the department of health and human services is authorized for the biennium ending June 30, 1991, to transfer funds between New Hampshire Hospital and the division for children and youth services, subject to the approval of the fiscal committee and governor and council, if both agencies agree that costs for the Philbrook program were inaccurately projected.

14 Bureau of Marine Services. Amend RSA 12-A:7-a to read as follows:

12-A:7-a Bureau of Marine Services. There is hereby established in ***the division of parks and recreation of*** the department of resources and economic development, a bureau of marine services, which shall have the responsibility for and jurisdiction over state owned commercial fishing piers and facilities.

15 Transfer of Bureau of Marine Services. All of the functions, powers, duties, personnel, records and property of the bureau of marine services are hereby transferred from the office of the commissioner to the division of parks and recreation of the department of resources and economic development.

16 Appropriation; Department of Resources and Economic Development. There is hereby appropriated the sum of \$250,000 to the department of resources and economic development for the fiscal year ending June 30, 1990. This appropriation shall be used to change the heads on the parking meters at Hampton beach to an adjustable change of time ratios. This appropriation shall be in addition to any other appropriation for the department of resources and economic development for the fiscal year.

17 Bonds Authorized. To provide funds for the appropriation made in section 16 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of \$250,000 and for said purpose may issue bonds and notes in the name and

on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made when due from the Hampton meter fund.

18 Hampton Meter Fund. RSA 216:3, III is repealed and reenacted to read as follows:

III. The balance of any funds in this special nonlapsing fund shall be lapsed at the close of each fiscal year to the general fund.

19 Fees Increased; Secretary of State. Amend RSA 5:10 to read as follows:

5:10 Office Fees. Except as otherwise provided, the following fees shall be paid to the secretary of state for the use of the state: For every commission issued to a justice of the peace or to a notary public, [30] **\$50**; for every certificate pertaining to the existence of a corporation, trade name, or other business entity, or writ served on the same, \$5; for every such certificate in long form, \$10; for every other certificate under seal of the state, [1] **\$5**; for engrossing private acts, \$1 for each page of 240 words.

20 Fee Increased; Corporate Reinstatement. Amend RSA 293-A:95, I(b) to read as follows:

(b) Any corporation which has its charter forfeited under RSA 293-A:95, I(a) may, within 90 days after the mailing of the notice of forfeiture, reinstate itself as a corporation by the payment of any fees in arrears plus a reinstatement fee of [50] **\$100**, and by filing with the secretary of state any annual returns required by law, and by appointing an agent and filing a statement of a change of agent or registered office as required.

21 Fee Increased; Corporate Filing Fee. Amend the introductory paragraph of RSA 293-A:134, I to read as follows:

I. A fee of [25] **\$35** for:

22 Penalty Fee Increased. Amend RSA 293-A:141 to read as follows:

293-A:141 Penalties Imposed. Each corporation, domestic or foreign, that fails or refuses to file its annual report or to pay all associated fees related thereto, or both, for any year within the time prescribed by this chapter shall be subject to an additional fee of [25] **\$50**.

23 Fees Increased; Uniform Limited Partnership Act. Amend RSA 304-B:64 to read as follows:

304-B:64 Fees. The secretary of state shall charge the following fees for filing under this chapter:

I. For a certificate of limited partnership or registration as a foreign limited partnership, [100] **\$200**.

II. For a certificate of amendment or correction, or a certificate of cancellation, [25] **\$50**.

III. For a reservation or transfer of reservation of name, \$15.

24 Fee Increased; Annual Maintenance of Foreign Partnerships. Amend RSA 305-A:1, I to read as follows:

I. Every foreign partnership, desiring to do business within this state, shall pay a registration fee of \$100 and an annual maintenance fee of [50] **\$200** to the secretary of state on the first business day of April following the date of registration and on the first business day of April thereafter; provided that a foreign partnership that has received its certificate of authority pursuant to RSA 305-A:2 between December 1 of the preceding year and April 1 shall not be required to pay the maintenance fee during that year.

25 Fee Increased; Hawkers and Peddlers License. Amend RSA 320:8, I to read as follows:

I. Upon compliance with this section and upon payment of [\$35] **\$50** for a state license, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as the secretary shall deem pertinent. No such license shall be issued unless the application is accompanied by a certificate signed by the chief of police of the city or town, and, if there is no police chief, then the board of selectmen of the town in this state in which the licensee shall begin operating, stating that the applicant for a license is a person of good moral character and in good standing in New Hampshire.

26 Fee Increased; Renewal of Hawkers and Peddlers License. Amend the introductory paragraph of RSA 320:8, III to read as follows:

III. The annual license renewal fee shall be [\$35] **\$50**. At the time the renewal fee is submitted to the secretary of state, the licensee shall:

27 Fee Increased; Trademark Registration. Amend RSA 350-A:3, IV to read as follows:

IV. A statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor. The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying. The application shall be accompanied by a specimen or facsimile of such mark in triplicate. The application for registration shall be accompanied by a filing fee of [\$20] **\$50** payable to the secretary of state.

28 Fee Increased; Trademark Registration Renewal. Amend RSA 350-A:5, I to read as follows:

I. Registration of a mark hereunder shall be effective for a term of 10 years from the date of registration and, upon application filed within 6 months prior to the expiration of such term, on a form to be furnished by the secretary of state, the registration may be renewed for a like term. A renewal fee of [\$10] **\$50**, payable to the secretary of state, shall accompany the application for renewal of the registration.

29 Fee Increased; Registers of Deeds. Amend RSA 478:17-9, I to read as follows:

I. For recording each deed, mortgage, attachment of real estate, lease, agreement, assignment, release, partial discharge, or any like document, \$10 for the first recorded page, plus \$4 for each additional recorded page, except that assignments of mortgages shall be \$10 for the first assignment per recorded document, plus \$5 for each subsequent mortgage being assigned, plus \$4 for each additional recorded page. The complete discharge of a mortgage, filings pursuant to RSA 382-A, or discharge of a lien shall be [\$10] **\$15**. ***Filing officers shall be entitled to a \$4 charge for each additional page of filing pursuant to RSA 382-A.*** These charges shall include all charges for information furnished in compliance with RSA 478:14.

30 Lapse Date Extended. The lapse date for the appropriation made in 1987, 399:1, IX, J as amended by 1988, 224:24 for the Odiorne Visitor Center at Odiorne state park, is hereby extended to June 30, 1991.

31 Statement of Intent. The general court recognizes that, under federal law, employees may set aside a certain amount from their salary to be used for day care expenses and for medical expenses and that the amount withheld is not subject to

taxes. The general court hereby finds that both the state and its employees would benefit greatly by establishing programs for such expenses.

32 New Subdivision; Flexible Spending Programs. Amend RSA 21-I by inserting after section 44 the following new subdivision:

Flexible Spending Programs

21-I:44-a Dependent Care Assistance Program Established. There is established a dependent care assistance program to be administered by the division of personnel, department of administrative services. Under this program, an employee may have a certain amount of his salary withheld, before taxes, for the purpose of day care expenses.

21-I:44-b Medical and Related Expenses Program Established. There is established a medical related expenses program to be administered by the division of personnel, department of administrative services. Under this program, an employee may have a certain amount of his salary withheld, before taxes, for the purpose of medical expenses.

21-I:44-c Rulemaking. The director, division of personnel, shall adopt rules, pursuant to RSA 541-A, relative to the implementation of the programs established in RSA 21-I:44-a and 44-b.

33 Appropriation. The sum of \$50,000 is hereby appropriated for the biennium ending June 30, 1991, to the division of personnel, department of administrative services for the purpose of funding the programs established in section 32 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

34 Vacant Positions. Any position which becomes vacant during the remainder of the biennium ending June 30, 1991, shall remain vacant unless the governor determines, with the approval of the fiscal committee, that such position should be filled. The governor may, upon review and with approval of the fiscal committee, exempt certain agencies or specific classes of positions, from time to time, if in his considered opinion such action is in the best interest of efficient and effective government.

35 Authorized Reductions Deleted. Amend RSA 9:16-a to read as follows:

9:16-a Transfers [and Reductions] Authorized. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized, subject to the prior approval of the fiscal committee and the approval of the governor and council, to transfer funds within and among all PAU's within said department, provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 17-b or 17-c or in violation of any restrictions otherwise provided by law or to or from any account, except accounts in the department of health and human services, which is not composed of the same funding source mix. [Notwithstanding any other provision of law, the governor is hereby authorized and directed to reduce the rate of expenditure in any department or departments, subject to the prior approval of the fiscal committee, in the event that he determines that the actual lapse for each fiscal year is not going to equal the level estimated in the forecast of funds, unappropriated surplus, as issued by the legislative budget assistant. The governor should make available a summary report every 60 days to the presiding officers and to the chairman of the fiscal committee about any actions under this section.]

36 New Section; Reductions Authorized. Amend RSA 9 by inserting after section 16-a the following new section:

9:16-b Reductions Authorized.

I. Notwithstanding any other provision of law, the governor may, with the prior approval of the fiscal committee, order reductions in any or all expenditure classes within any or all departments, as defined in RSA 9:1, if he determines at any time during the fiscal year that:

(a) Projected state revenues will be insufficient to maintain a balanced budget and that the likelihood of a serious deficit exists; or

(b) The actual lapse for each fiscal year is not going to equal the level estimated in the forecast of funds, unappropriated surplus, as issued by the legislative budget assistant.

II. The governor shall make available a summary report every 60 days to the presiding officers and to the chairman of the fiscal committee about any actions under this section.

37 Percentage Reduced. Amend RSA 9:13-e, V to read as follows:

V. If, after the requirements of paragraphs II-IV have been met and the balance remaining in the revenue stabilization reserve account is in excess of an amount equal to [5] 3 percent of the actual general fund unrestricted revenues for the most recently completed fiscal year, then such excess shall be transferred, without further action, to the general fund surplus account.

38 Percentage Increased. Amend RSA 9:13-e, V to read as follows:

V. If, after the requirements of paragraphs II-IV have been met and the balance remaining in the revenue stabilization reserve account is in excess of an amount equal to [3] 5 percent of the actual general fund unrestricted revenues for the most recently completed fiscal year, then such excess shall be transferred, without further action, to the general fund surplus account.

39 Effective Date.

I. Section 38 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes various adjustments in state revenues and expenditures. Some of the changes include:

1. Requiring the sale of a liquor store in Nashua.
2. Lapsing balances of various accounts and extending a lapse date.
3. Appropriating funds to reimburse the highway surplus account for restoration of the Cornish-Windsor Bridge.
4. Provisions relating to supplemental funding for out-of-state travel.
5. Repealing appropriations for salary increases and benefits made in 1989, 419.
6. Increasing tuition at the technical colleges and the technical institute.
7. Transferring the bureau of marine services from the office of the commissioner of the department of resources and economic development to the division of parks and recreation.
8. Appropriating funds to change the heads on the meters at Hampton beach.
9. Raising certain fees.
10. Establishing certain programs to allow tax-free state employee withholding for day care expenses and medical expenses.
11. Making a temporary change to the provisions regulating transfers from the excess of the revenue stabilization reserve account.

Amendment adopted.

Rep. Townsend offered an amendment and spoke to his amendment.

Amendment

Amend the bill by replacing section 7 with the following:

7 National Guard Scholarship Fund. Notwithstanding the provisions of RSA 110-B:60 and 61, the amount of \$37,000 shall lapse to the general fund on June 30, 1990, and all balances in and revenues due the New Hampshire national guard recruitment and retention scholarship fund shall be deposited as unrestricted revenue for the period ending June 30, 1991.

Amend the bill by replacing section 39 with the following:

39 New Sections; Racing Laboratory. Amend RSA 284 by inserting after section 20-d the following new sections:

284:20-e Racing Laboratory Expenses Reimbursed. The expenses of the racing laboratory shall be reimbursed monthly by each licensee based upon the number of analyses performed for the track in the prior month and the costs associated with those analyses.

284:20-f Racing Laboratory Expenses Reported. The expenses of the racing laboratory, together with information on the fees charged and how the fees were computed for each licensee, shall be reported to the fiscal committee of the general court by the pari-mutuel commission on a quarterly basis, beginning September 1, 1990.

40 Repeal. 1989, 408:104, relative to an appropriation to the pari-mutuel commission, is repealed.

41 Effective Date.

I. Section 38 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect upon its passage.

Amendment adopted.

Rep. Hawkins offered an amendment, spoke to his amendment and yielded to questions.

Amendment

Amend the bill by deleting section 39 and renumbering sections 40 and 41 to read as 39 and 40, respectively.

Rep. Stacey Cole spoke to the amendment.

A roll call was called for. Sufficiently seconded.

YEAS 131

NAYS 165

YEAS 131**BELKNAP**

Bolduc, Dennis R.
Randall, Kenneth A.
Salatiello, Thomas

Campbell, Richard H., Jr.
Richardson, Lawrence
Turner, Robert H.

Hawkins, Robert S.
Rosen, Ralph J.

CARROLL

MacDonald, Kenneth J.

CHESHIRE

Barber, Robert E., Jr.
Gordon, Irvin H.
Morse, Jo-Ann T.

Delano, Robert F.
LaMar, David M.
Spear, Susan

Doucette, Richard F.
Matson, William R.

COOS

Dumont, Robert E.
Nelson, Harold D.

Guay, Lawrence J.
Oleson, Otto H.

Lemire, George

GRAFTON

Bennett, Shirley M.
Densmore, Edward D.
LaMott, Paul I.
White, Paul R.

Chambers, Mary P.
Dow, David
Markley, J. Keith

Copenhaver, Marion L.
Guest, Robert H.
Shackett, Ralph E.

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.
Gerow, Sezen M.
Kelley, Robert N.
McRae, Karen
Nardi, Theodora P.
Pignatelli, Debora B.
Rodgers, G. Philip
Toomey, Daniel
Wright, George W.

Amidon, Eleanor H.
Bourque, Ann J.
Desrosiers, William J.
Drolet, Paul L.
Elliott, Larry G.
Flood, Jacqueline J.
Hall, Betty B.
Lawrence, Eva M.
Messier, Irene M.
O'Rourke, JoAnne A.
Reidy, Frank J.
Searles, Stanley N., Sr.
Turgeon, Roland M.

Barry, Vivian
Daigle, Robert Arthur
Donovan, Francis X.
Dube, Ellen C.
Emerton, Lawrence
Gagnon, Gabrielle V.
Healy, Daniel J.
Leclerc, Charles J.
Murphy, Robert E.
Ouellette, Robert O.
Riley, Frances L.
Smith, Leonard A.
Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
Fraser, Leo W., Jr.
Provencal, Leo A.
Trombly, Rick A.

Bennett, J. Allen
Hayes, Robert C.
Soldati, Jennifer

Dunn, Miriam
Jacobson, Alf E.
Stio, Peter M.

ROCKINGHAM

Bell, Juanita
Campbell, Eunice M.
Cote, Patricia L.
Gourdeau, Raymond H.
Katsakiores, Phyllis
Lovejoy, Virginia K.
McCain, William F.
Pantelakos, Laura C.
Remick, Barbara R.
Senter, Marilyn P.
Weddle, Michael Rodney

Boucher, William Paul
Caswell, Albert, Jr.
Felch, Charles H., Sr.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
MacDonald, Joseph A.
Micklon, Stephanie K.
Parr, Ednapearl F.
Ritzo, Eugene
Simon, Peter M.
Welch, David A.

Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Fesh, Robert M.
Kane, Cecelia D.
Klemm, Arthur P., Jr.
Magoon, Harold F.
Palazzo, Frank J., Sr.
Parsons, Robert F.
Rosencrantz, James R.
Skinner, Patricia M.
Wells, Henry E.

STRAFFORD

Bernard, Mary E.
Dionne, Albert J.
Gilmore, Gary
Martling, W. Kent
Swope, Warren L.

Brown, Julie M.
Flynn, Anita A.
Kinney, Paula J.
McCann, William H., Jr.
Tsiros, William

Burton, Wayne M.
Flynn, Edward J.
Lachance, Douglas
Sullivan, Henry P.
Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe

NAYS 165 BELKNAP

Golden, Paul A.
Pearson, Ralph W.

Hardy, Earle D.
Vogler, Charles C.

Holbrook, Robert G.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Wiggin, Allen R.

Daly, Robert J., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Cole, Kenneth A.
Hunt, John B.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Stacey W.
Laurent, John J.
Perry, David M.
Young, David A.

Foster, Katherine Davis
Metzger, Katherine H.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Merrill, Gerald

Buckley, C. Fitzgerald, III
Marsh, Beaton

Burns, Harold W.
Mayhew, Josephine

GRAFTON

Adams, Carl S.
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Brown, Channing T.
Nordgren, Sharon
Stewart, Roger
Wadsworth, Karen O.

Driscoll, William J.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Andrews, Frederick B.
Bowers, Dorothy C.
Dionne, Paul R.
Dyer, Merton S.
Frank, Nancy G.
Haettenschwiller, A. A.
Jean, Romeo W.
Klose, John F.
Kurk, Neal M.
Lozeau, Donnalee
McDowell, James E.
Packard, Bonnie B.
Perham, Lester R.
Robinson, Ellen-Ann
Spaloss, Henry F.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Barry, Janet Gail
Cowenhoven, Garret P.
Dodge, Emma M.
Foote, Herbert N., Sr.
Grip, Robert H.
Harlan, Susan N.
Jenkins, Mary
Knight, Alice Tirrell
Lachut, Ervin R.
Mason, Howard F.
McNerney, Daniel P.
Pappas, Toni
Prestipino, Bartolo V.
Sallada, Roland A.
Steiner, Lee Anne
Tyrree, Paul M.

Bicknell, Robert C.
Culbert, Patrick
Domaingue, Jacquelyn
Ford, Nancy M.
Gureckis, Adam C., Sr.
Holden, Carol H.
Keefe, Edmund M.
Kress, Gloria W.
Lown, Elizabeth
McCann, Bonnie Lou
Morrissette, Roland
Paquette, Rodolphe G.
Rheault, Lillian I.
Schneiderat, Catherine
Stiles, Walter A.
Upton, Barbara Allen

MERRIMACK

Anderson, Eleanor M.
Carter, Susan D.
Gilbreth, Robert M.

Beaton, Nancy
Daneault, Gabriel
Gross, Caroline L.

Boucher, Laurent J.
Fillion, Paul R.
Hall, Douglas E.

Holmes, Mary C.
Lockwood, Robert A.
Phelps, James D.

Johnson, C. William
Nichols, Avis B.
Shaw, Randall F.

Kidder, William F.
Pantzer, Eugene
Smith, Gerald R.

ROCKINGHAM

Anderson, Carl F., III
Conroy, Janet M.
Flanagan, Natalie S.
Ford, Bert H.
Greene, Elizabeth A.
Katsakiores, George N.
MacKinnon, Nancy W.
McCarthy, John James, Jr.
Raynowska, Bernard J.
Sherburne, John L.
Sytek, Donna
Warburton, Calvin

Brown, Lewis W.
Cooke, Annette M.
Flanders, Harry E.
Gage, Beverly A.
Hynes, Carolyn E.
King, Roger C.
Mace, Ada L.
McKinney, Betsy
Roulston, Donald L.
Sochalski, Matthew M.
Tufts, J. Arthur
Weyler, Kenneth L.

Campbell, Marilyn R.
Dube, LeRoy S.
Flanders, John W., Sr.
Gage, Thomas U.
Johnson, Robert A.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Popov, Elizabeth M.
Seward, Russell G.
Splaine, John E., Sr.
Vartanian, Elsie
Wright, David B.

STRAFFORD

Appleby, James E.
Keans, Sandra Balomenos
Pelley, Janet R.
Torr, Ann M.

Bickford, Drucilla
Marston, Robert E.
Scharff, Thomas Edward
Torr, Ralph W.

Frechette, Roland A.
Parks, Joe B.
Stewart, Glenn W.
Young, John B.

SULLIVAN

Flint, Gordon B.
MacAskill, Kenneth M.
and the amendment lost.

Hinrichsen, Keith
Middleton, John A.

Krueger, Richard H.
Schotanus, Merle W.,

Reps. Millard, Jasper, Hultgren, Maviglio and Hanselman wished to be recorded against the amendment.

The question being ordering the bill to third reading, the Chair was in doubt on the voice vote and called for a roll call.

YEAS 202

NAYS 137

YEAS 202

BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Rosen, Ralph J.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
MacDonald, Kenneth J.
Saunders, Howard N.

Daly, Robert J., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Hill, Richard L.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
LaMott, Paul I.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Culbert, Patrick
Donovan, Francis X.
Dyer, Merton S.
Ford, Nancy M.
Harlan, Susan N.
Keefe, Edmund M.
Kurk, Neal M.
Lown, Elizabeth
Messier, Irene M.
Paquette, Rodolphe G.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tyree, Paul M.
Wihby, Linda S.

Amidon, Eleanor H.
Bowers, Dorothy C.
Dionne, Paul R.
Drolet, Paul L.
Emerton, Lawrence
Grip, Robert H.
Holden, Carol H.
Klose, John F.
Lachut, Ervin R.
Mason, Howard F.
Packard, Bonnie B.
Perham, Lester R.
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Upton, Barbara Allen

Andrews, Frederick B.
Cowenhoven, Garret P.
Dodge, Emma M.
Dube, Ellen C.
Fields, Dennis H.
Gureckis, Adam C., Sr.
Jasper, Shawn N.
Knight, Alice Tirrell
Lawrence, Eva M.
McCann, Bonnie Lou
Pappas, Toni
Prestipino, Bartolo V.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Fraser, Leo W., Jr.
Hayes, Robert C.
Johnson, C. William
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert

Apple, Lowell D.
Carter, Susan D.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Nichols, Avis B.
Shaw, Randall F.
Whittemore, James A.

Bardsley, Elizabeth S.
Fillion, Paul R.
Hall, Douglas E.
Holmes, Mary C.
Lockwood, Robert A.
Pantzer, Eugene
Stio, Peter M.

ROCKINGHAM

Boucher, William Paul
Campbell, Marilyn R.
Cote, Patricia L.
Flanders, Harry E.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, Phyllis
Lovejoy, Virginia K.

Brown, Lewis W.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.

Campbell, Eunice M.
Cooke, Annette M.
Flanagan, Natalie S.
Ford, Bert H.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.

Magoon, Harold F.
 McCarthy, John James, Jr.
 Raynowska, Bernard J.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Warburton, Calvin
 Weyler, Kenneth L.

Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Ritzo, Eugene
 Seward, Russell G.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Welch, David A.
 Wright, David B.

McCain, William F.
 Parsons, Robert F.
 Roulston, Donald L.
 Sherburne, John L.
 Sytek, Donna
 Vaughn, Charles L.
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Flynn, Anita A.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Stewart, Glenn W.
 Torr, Ralph W.

Bernard, Mary E.
 Flynn, Edward J.
 Kinney, Paula J.
 Parks, Joe B.
 Swope, Warren L.

Bickford, Drucilla
 Frechette, Roland A.
 Marston, Robert E.
 Pelley, Janet R.
 Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Schotanus, Merle W.

Flint, Gordon B.
 Middleton, John A.

Hinrichsen, Keith
 Rodeschin, Beverly T.

NAYS 137

BELKNAP

Maviglio, Steven R.
 Turner, Robert H.

Richardson, Lawrence

Salatiello, Thomas

CARROLL

Dodge, Arthur G., Jr.

CHESHIRE

Barber, Robert E., Jr.
 Foster, Katherine Davis
 Pratt, Irene A.

Cole, Kenneth A.
 LaMar, David M.
 Spear, Susan

Doucette, Richard F.
 Matson, William R.
 Young, David A.

COOS

Kilbride, Dennis J.
 Oleson, Otto H.

Lemire, George

Mayhew, Josephine

GRAFTON

Chambers, Mary P.
 Dow, David
 Nordgren, Sharon

Copenhaver, Marion L.
 Guest, Robert H.

Densmore, Edward D.
 Markley, J. Keith

HILLSBOROUGH

Alukonis, David J.
 Barry, Vivian
 Burkush, Peter
 Desrochers, Gerard T.
 Drabinowicz, A. Theresa
 Elliott, Larry G.
 Frank, Nancy G.
 Green, Scott E.
 Hanselman, Gregory L.

Baldizar, Barbara J.
 Beaupre, Roland O.
 Cote, David E.
 Desrosiers, William J.
 Dwyer, Patricia R.
 Flood, Jacqueline J.
 Gagnon, Gabrielle V.
 Haettenschwiller, A. A.
 Healy, Daniel J.

Barry, Janet Gail
 Bourque, Ann J.
 Daigle, Robert Arthur
 Domaingue, Jacquelyn
 Dykstra, Leona
 Foote, Herbert N., Sr.
 Gerow, Sezen M.
 Hall, Betty B.
 Hultgren, David D.

Hunter, Bruce F.
 Johnson, Lionel W.
 Kress, Gloria W.
 Lozeau, Donnalee
 McRae, Karen
 Murphy, Robert E.
 Ouellette, Robert O.
 Reidy, Frank J.
 Stiles, Walter A.
 Wheeler, David K.

Jean, Romeo W.
 Kelley, Robert N.
 Lawrence, Norman B.
 McDowell, James E.
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Pepino, Leo P.
 Riley, Frances L.
 Toomey, Daniel
 Wright, George W.

Jenkins, Mary
 King, John A.
 Leclerc, Charles J.
 McNerney, Daniel P.
 Morrisette, Roland
 O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Spaloss, Henry F.
 Turgeon, Roland M.

MERRIMACK

Beaton, Nancy
 Daneault, Gabriel
 Jacobson, Alf E.
 Smith, Gerald R.

Bennett, J. Allen
 Dunn, Miriam
 Lewis, Mary Ann
 Soldati, Jennifer

Braiterman, Thea
 Gilbreth, Robert M.
 Provencal, Leo A.
 Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Dube, LeRoy S.
 Gourdeau, Raymond H.
 Hynes, Carolyn E.
 MacDonald, Joseph A.
 McKinney, Betsy
 Parr, Ednapearl F.
 Rosencrantz, James R.
 Weddle, Michael Rodney

Bell, Juanita
 Caswell, Albert, Jr.
 Fesh, Robert M.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 MacKinnon, Nancy W.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Simon, Peter M.

Blanchard, MaryAnn N.
 Chase, Lawrence A., Jr.
 Gage, Beverly A.
 Hollingworth, Beverly A.
 Klemm, Arthur P., Jr.
 McGovern, Cynthia A.
 Pantelakos, Laura C.
 Remick, Barbara R.
 Splaine, John E., Sr.

STRAFFORD

Brown, Julie M.
 Gilmore, Gary
 Merrill, Amanda
 Tsiros, William
 Young, John B.

Burton, Wayne M.
 Lachance, Douglas
 Scharff, Thomas Edward
 Vincent, Francis C.

Dionne, Albert J.
 McCann, William H., Jr.
 Sullivan, Henry P.
 Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
 and the bill was ordered to third reading.

MacAskill, Kenneth M.

Stamatakis, Carol M.,

HB 220-FN, relative to managing tax supported state debt. (A) **INEXPEDIENT TO LEGISLATE**.

This bill establishes a cap on authorized tax supported debt and an internal legislative management device to insure General Court members are aware, through the fiscal note process, of the amount of indebtedness a capital improvement would establish. The Committee favors HB 715 previously passed by the House and now in Senate interim study, which addresses this issue in a more comprehensive manner. Vote 16-4. Rep. Merle W. Schotanus for Appropriations.

Rep. Hayes moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Ralph Pearson spoke in favor of the motion.

The substitute motion was adopted.

Ordered to third reading.

HB 390-FN-A, relative to the New Hampshire retirement system investment practices. (A) OUGHT TO PASS WITH AMENDMENT.

This legislation expands the investment practices of the Retirement Board. The Appropriations Committee amendment requires legislative oversight by way of annual audit, annual investment reports and adds a sunset provision of three years and enlarges on a code of ethics for the Board and its consultants. Vote 14-4. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend RSA 100-A:15 as inserted by section 1 of the bill by replacing all after paragraph IV with the following:

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines, and in selecting investment managers, investment products and investment participations.

VI. The funds of the New Hampshire retirement system shall be audited annually. The board of trustees shall complete, not later than 90 days after the close of the fiscal year, unless the fiscal committee and the governor and council for good cause shall extend such period, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. The cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.

VII. The board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed. The investment report shall be submitted to the president of the senate, the speaker of the house, and to the governor. The report shall include, but shall not be limited to:

(a) A description of the board's philosophy for investing the assets of the system, including an analysis of any change in philosophy which has occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

VIII. The board of trustees may, consistent with sound investment and management policy, invest retirement system funds in the home mortgage market in order to make home mortgage funds more available to their members and New Hampshire citizens. The board may invest a maximum of 10 percent of the asset value of the

retirement system funds in the New Hampshire home mortgage market. The board of trustees, with the assistance of investment counsel and the New Hampshire housing finance agency, shall manage the program. The board of trustees shall use the standards and credit guidelines of the Federal Housing Administration, the Federal Home Loan Mortgage Corporation, and the Federal National Mortgage Association in selecting mortgage loans. The board of trustees shall distribute the mortgage money to designated lending institutions within the state. Such institutions shall lend the mortgage money exclusively to New Hampshire citizens, with preference given to members of the New Hampshire retirement system. Lending institutions which participate in the program shall accept the mortgage money under terms set by the board of trustees relative to a schedule periodically established by the board of trustees for the amount and length of loans that a lending institution may make. Participating lending institutions shall provide a loan to value ratio of a maximum of 95 percent in the case of persons purchasing their first home in this state and 80 percent in the case of persons purchasing other than their first home; provided, however, that the portion of any loan exceeding 80 percent of value shall be insured by an admitted mortgage guaranty insurer in an amount so that the unguaranteed portion of the loan does not exceed 75 percent of the market value of the property together with improvements thereon.

IX. Preference in receiving mortgages shall go to currently employed members of the retirement system and retirement system annuitants. The board of trustees in cooperation with investment counsel and participating lending institutions may set interest rates for such mortgages below normal rates for home mortgages as long as the board follows prudent investment policies and does not jeopardize the solvency of the fund.

X. The board of trustees shall adopt rules pursuant to RSA 541-A relative to the administration and terms of the home mortgage market investment program. Such rules shall include and provide:

(a) That home loans be made available to retirement system members and annuitants for the purchase of single family dwellings, single family cooperative apartments, and single family condominiums;

(b) That New Hampshire lending institutions chosen and designated by the board be chosen in a way so as to allow all state lending institutions equal opportunity to apply to participate in the program;

(c) That the recipients of the loans occupy the homes as their permanent residence; and

(d) That members and annuitants receiving loans at below normal rates shall be eligible for such rates under the program on a one-time basis only.

2 Management of Funds. RSA 100-A:15, I is repealed and reenacted to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall have full power to invest, and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions imposed by the laws of the state of New Hampshire upon domestic life insurance companies in the making and disposing of their investments. Said trustees may invest and reinvest such funds in shares of cooperative banks and building and loan associations located in this state or in international investments, provided that international investments shall not exceed 15 percent of the several funds that are invested and reinvested, and may make deposits in savings banks or trust companies or in national banks and subject to like terms,

conditions, limitations, and restrictions. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments, provided, however, that the trustees or their designees shall be exempt from the provisions of RSA 411-A:6, III, in making investments. The board of trustees shall, to the greatest extent possible, use the funds of the retirement system to benefit and expand the economic climate within the state of New Hampshire. The use of such funds by the board shall be consistent with sound investment practices.

3 Retirement System Board of Trustee to Adopt Rules on Code of Ethics. The New Hampshire retirement system board of trustees, not later than June 30, 1991, shall adopt rules, pursuant to RSA 541-A, relative to a code of ethics applicable to the trustees, staff employees, outside service providers, professional advisors and consultants of the New Hampshire retirement system; provided, however, that if the legislature enacts a retirement system code of ethics in either its 1990 session or its 1991 session, then such code shall not be required as an administrative rule. The provisions of the code of ethics shall include, but shall not be limited to, the requirement that each member of the board of trustees shall make a full financial disclosure statement according to the rules adopted under this section, the requirement that each member of the board of trustees shall disclose all conflicts of interest with their duties as members of the board, the requirement that each member of the board of trustees shall avoid impropriety and the appearance of impropriety in all his activities, and the requirement that each member of the board of trustees shall perform his duties impartially and diligently.

4 Contingency; Code of Ethics Adopted. Section 1 of this act shall take effect only if and when a code of ethics is adopted by the New Hampshire retirement system board of trustees or by the legislature as required under section 3 of this act. The board of trustees shall certify the date of the adoption of such code of ethics by rule or by the legislature to the secretary of state, to the house executive departments and administration committee, and to the senate insurance committee.

5 Contingency; 1993 Changes.

I. If the board of trustees has not certified the adoption of a code of ethics under sections 3 and 4 of this act on or before June 30, 1991, section 2 of this act shall not take effect.

II. If the board of trustees has certified the adoption of a code of ethics under sections 3 and 4 of this act on or before June 30, 1991, section 2 of this act shall take effect July 1, 1993.

6 Effective Date.

I. Sections 3-5 of this act shall take effect upon its passage.

II. Section 1 of this act shall take effect as provided in section 4 of this act.

III. Section 2 of this act shall take effect as provided in section 5 of this act.

AMENDED ANALYSIS

This bill makes changes relative to the management of the funds of the New Hampshire retirement system by its board of trustees to require that "prudent man" investment practices be followed, contingent upon the adoption by the board of a code of ethics. The code of ethics would require board of trustee members to make full financial disclosure statements, and to disclose all conflicts of interest with their duties as board members.

In conjunction with the "prudent man" standard of investment, the board of trustees is required to submit an annual investment report on certain aspects of its investment practices at the same time an annual financial report of the board is completed.

The bill also includes a "sunset" provision for the "prudent man" investment practices on July 1, 1993. On that date, if the code of ethics was adopted, the law will revert to the standard under current law, based on the investments which domestic life insurance companies may make.

Amendment lost.

The Appropriations Committee offered an amendment.

Rep. Ward spoke to the amendment.

Amendment

Amend RSA 100-A:15 as inserted by section 1 of the bill by replacing all after paragraph IV with the following:

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to procedures to be followed in establishing and modifying investment objectives and guidelines, and in selecting investment managers, investment products and investment participations.

VI. The funds of the New Hampshire retirement system shall be audited annually. The board of trustees shall complete, not later than 120 days after the close of the fiscal year, unless the fiscal committee and the governor and council for good cause shall extend such period, a comprehensive annual financial report concerning the preceding fiscal year that details the financial condition and operation of the system during that period in a manner consistent with generally accepted accounting principles. Said report subsequently shall be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this paragraph, provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies. The cost of such audit shall be a charge upon the funds of the New Hampshire retirement system.

VII. The board of trustees shall complete a comprehensive annual investment report at the same time that the annual financial report under paragraph VI is completed. The investment report shall be submitted to the president of the senate, the speaker of the house, and to the governor. The report shall include, but shall not be limited to:

(a) A description of the board's philosophy for investing the assets of the system, including an analysis of any significant changes in philosophy which have occurred from the prior annual report.

(b) An analysis of the return on investment, by investment category.

(c) Anticipated future uses of and approaches to the management, investment, and reinvestment of system assets under the principles of paragraph I.

(d) Any suggested changes in legislation which the board may seek in order to better serve the members of the system. This is not intended to preclude the board of trustees from seeking additional legislation as needs arise between annual reports.

2 Management of Funds; July, 1995. RSA 100-A:15 is repealed and reenacted to read as follows:

I. The members of the board of trustees shall be the trustees of the several funds created hereby and shall have full power to invest, and reinvest such funds, subject to all the terms, conditions, limitations, and restrictions imposed by the laws of the state of New Hampshire upon domestic life insurance companies in the making and disposing of their investments. Said trustees may invest and reinvest such funds in shares of cooperative banks and building and loan associations located in this state or in international investments, provided that international investments shall not exceed 15 percent of the several funds that are invested and reinvested, and may make deposits in savings banks or trust companies or in national banks and subject to like terms, conditions, limitations, and restrictions. Said trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created hereby have been invested, as well as the proceeds of such investments, provided, however, that the trustees or their designees shall be exempt from the provisions of RSA 411-A:6, III, in making investments. The board of trustees shall, to the greatest extent possible, use the funds of the retirement system to benefit and expand the economic climate within the state of New Hampshire. The use of such funds by the board shall be consistent with sound investment practices.

II. The board of trustees shall:

(a) Have the authority to empower an investment committee of its members to make investments and deposits between meetings of the board.

(b) Have the further authority to hire investment counsel. The compensation for investment counsel services and the compensation for actuarial services required by the board of trustees in performing the duties required by RSA 100-A:14 shall be a charge upon the funds of the New Hampshire retirement system.

(c) Appoint and employ a custodian of the several funds of the retirement system, and such custodian, as a agent of the board, shall be compensated and such compensation shall be a charge upon the funds of the retirement system.

(d) Have the full power and authority to delegate to any agent within or without the state, who may or may not be the custodian of stocks and securities, the power and discretion to make decisions with regard to the purchase or sale of any legal object of investment and to take any action necessary to effect decisions by or on behalf of the New Hampshire retirement system with the same legal effect as if performed by the board of trustees of the New Hampshire retirement system. The board of trustees shall have the power to authorize the payment of compensation to an agent or agents for management services.

III. The board of trustees may, consistent with sound investment and management policy, invest retirement system funds in the home mortgage market in order to make home mortgage funds more available to their members and New Hampshire citizens. The board may invest a maximum of 10 percent of the asset value of the retirement system funds in the New Hampshire home mortgage market. The board of trustees, with the assistance of investment counsel and the New Hampshire housing finance agency, shall manage the program. The board of trustees shall use the standards and credit guidelines of the Federal Housing Administration, the Federal Home Loan Mortgage Corporation, and the Federal National Mortgage Association in selecting mortgage loans. The board of trustees shall distribute the mortgage money to designated lending institutions within the state. Such institutions shall lend the mortgage money exclusively to New Hampshire citizens, with preference given to members of the New Hampshire retirement system. Lending institutions which participate in the program shall accept the mortgage money under terms set by the board of trustees

relative to a schedule periodically established by the board of trustees for the amount and length of loans that a lending institution may make. Participating lending institutions shall provide a loan to value ratio of a maximum of 95 percent in the case of persons purchasing their first home in this state and 80 percent in the case of persons purchasing other than their first home; provided, however, that the portion of any loan exceeding 80 percent of value shall be insured by an admitted mortgage guaranty insurer in an amount so that the unguaranteed portion of the loan does not exceed 75 percent of the market value of the property together with improvements thereon.

IV. Preference in receiving mortgages shall go to currently employed members of the retirement system and retirement system annuitants. The board of trustees in cooperation with investment counsel and participating lending institutions may set interest rates for such mortgages below normal rates for home mortgages as long as the board follows prudent investment policies and does not jeopardize the solvency of the fund.

V. The board of trustees shall adopt rules pursuant to RSA 541-A relative to the administration and terms of the home mortgage market investment program. Such rules shall include and provide:

(a) That home loans be made available to retirement system members and annuitants for the purchase of single family dwellings, single family cooperative apartments, and single family condominiums;

(b) That New Hampshire lending institutions chosen and designated by the board be chosen in a way so as to allow all state lending institutions equal opportunity to apply to participate in the program;

(c) That the recipients of the loans occupy the homes as their permanent residence; and

(d) That members and annuitants receiving loans at below normal rates shall be eligible for such rates under the program on a one-time basis only.

VI. For the purpose of meeting disbursements for state annuities, member annuities, and other payments, there may be kept available cash, not exceeding 10 percent of the total amount in the funds of the retirement system, on deposit in one or more banks or trust companies in the state, organized under the laws of the state or of the United States; provided that the sum on deposit in any one bank or trust company shall not exceed the sum of the paid-up capital and surplus of such bank or trust company.

VII. Except as otherwise provided in this section, no trustee and no employee of the board of trustees shall have any personal interest in the gains or profits of any investment made by the board; nor shall any trustee or employee of the board, directly or indirectly, for himself or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the board; nor shall any trustee or employee of the board become an endorser or surety, or in any manner an obligor, for money loaned to or borrowed from the board.

IX. The board of trustees is authorized to engage the services of legal counsel for special investment, federal, and tax matters and, with the approval of the attorney general, to engage outside counsel for other matters. The payment for services provided in this paragraph shall be a charge upon the funds of the New Hampshire retirement system.

3 Retirement System Board of Trustee to Adopt Rules on Code of Ethics. The New Hampshire retirement system board of trustees, not later than June 30, 1991, shall adopt rules, pursuant to RSA 541-A, relative to a code of ethics applicable to the

trustees, staff employees, outside service providers, professional advisors and consultants of the New Hampshire retirement system; provided, however, that if the legislature enacts a retirement system code of ethics in either its 1990 session or its 1991 session, then such code shall not be required as an administrative rule. The provisions of the code of ethics shall include, but shall not be limited to, the requirement that each member of the board of trustees shall disclose all conflicts of interest with their duties as members of the board, the requirement that each member of the board of trustees shall avoid impropriety and the appearance of impropriety in all his activities, and the requirement that each member of the board of trustees shall perform his duties impartially and diligently.

4 Effective Date.

- I. Section 1 of this act shall take effect 180 days after its passage.
- II. Section 2 of this act shall take effect July 1, 1995.
- III. Section 3 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes changes relative to the management of the funds of the New Hampshire retirement system by its board of trustees to require that "prudent man" investment practices be followed. The bill also requires the board of trustees to adopt a code of ethics. The code of ethics would require board of trustee members to disclose all conflicts of interest with their duties as board members, and to avoid impropriety and the appearance of impropriety in their activities.

In conjunction with the "prudent man" standard of investment, the board of trustees is required to submit an annual investment report on certain aspects of its investment practices at the same time an annual financial report of the board is completed.

The bill also includes a termination provision for the "prudent man" investment practices on June 30, 1995. On that date, the law will revert to the standard under current law, based on the investments which domestic life insurance companies may make.

Amendment adopted.

Ordered to third reading.

(Deputy Speaker Burns in the Chair)

HB 425-FN-A, revising the school building aid system. (A) RECOMMENDED BUT TO BE LAID ON THE TABLE BECAUSE OF FUNDING.

This bill has received a great deal of study over the past few years. The Committee supports the concept of the bill but knows that money is not available now to fund it. Vote 15-6. Rep. Elizabeth Hager for Appropriations.

Rep. Hager yielded to questions.

Report adopted.

HB 435-FN-A, making an appropriation for health services for young children. (A) RECOMMENDED BUT TO BE LAID ON THE TABLE BECAUSE OF FUNDING.

This bill is a simple appropriations bill asking for a total of \$850,000 for FY'91. The Committee agrees that the need exists for increased health services for low-income children. Unfortunately, at this time the state cannot afford to increase these services. Vote 13-8. Rep. Ellen-Ann Robinson for Appropriations.

Rep. Jacobson moved that the words, Ought to Pass, be substituted for the report of the Committee, Recommended but to be Laid on the Table because not Funded.

Rep. Robinson spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 111

Maviglio, Steven R.

Barber, Robert E., Jr.
Foster, Katherine Davis
Matson, William R.
Spear, Susan

Dumont, Robert E.
Mayhew, Josephine

Arnesen, Deborah L.
Chambers, Mary P.
Guest, Robert H.

Baldizar, Barbara J.
Burkush, Peter
Drabinowicz, A. Theresa
Fields, Dennis H.
Gerow, Sezen M.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
King, John A.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Reidy, Frank J.
Toomey, Daniel

Anderson, Eleanor M.
Braiterman, Thea
Fair, Patricia A.
Pantzer, Eugene
Stio, Peter M.

Bell, Juanita
Caswell, Albert, Jr.
Hollingworth, Beverly A.
MacDonald, Joseph A.
Micklon, Stephanie K.
Ritzo, Eugene
Vaughn, Charles L.

Salatiello, Thomas

**YEAS 111
BELKNAP**

Blacketor, Paul G.
Grodin, Richard A.
Perry, David M.

Kilbride, Dennis J.
Nelson, Harold D.

Bean, Pamela B.
Copenhaver, Marion L.
Nordgren, Sharon

Barry, Janet Gail
Cote, David E.
Dube, Ellen C.
Flood, Jacqueline J.
Goulet, Maurice E.
Haettenschwiller, A. A.
Jenkins, Mary
Kress, Gloria W.
Murphy, Robert E.
Pappas, Toni
Smith, Leonard A.
Turgeon, Roland M.

Beaton, Nancy
Daneault, Gabriel
Gilbreth, Robert M.
Provencal, Leo A.
Trombly, Rick A.

Blanchard, MaryAnn N.
Cote, Patricia L.
Hynes, Carolyn E.
McCain, William F.
Parsons, Robert F.
Rosencrantz, James R.
Weddle, Michael Rodney

NAYS 234

Cole, Kenneth A.
Hill, Douglas E.
Pratt, Irene A.

Lemire, George
Oleson, Otto H.

Bennett, Shirley M.
Densmore, Edward D.
Teschner, Douglass P.

Bourque, Ann J.
Daigle, Robert Arthur
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Johnson, Lionel W.
Leclerc, Charles J.
Nardi, Theodora P.
Pignatelli, Debora B.
Spaloss, Henry F.
Wihby, Linda S.

Bennett, J. Allen
Dunn, Miriam
Jacobson, Alf E.
Soldati, Jennifer

Buco, Stephen
Hoar, John, Jr.
Lovejoy, Virginia K.
McGovern, Cynthia A.
Popov, Elizabeth M.
Splaine, John E., Sr.

STRAFFORD

Brown, Julie M.
Keans, Sandra Balomenos
Merrill, Amanda
Sullivan, Henry P.

Burton, Wayne M.
Lachance, Douglas
O'Brien, John
Wheeler, Katherine Wells

Gilmore, Gary
McCann, William H., Jr.
Spencer, Leo J.

SULLIVAN

Burling, Peter Hoe

Flint, Gordon B.

Stamatakis, Carol M.

NAYS 234**BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

Golden, Paul A.
Holbrook, Robert G.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

Crutchley, Donald O.
Hunt, John B.
Metzger, Katherine H.
Pierce, David A.

COOS

Brungot, Catherine V.
Horton, Lynn C.

Buckley, C. Fitzgerald, III
Marsh, Beaton

Guay, Lawrence J.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Driscoll, William J.
Markley, J. Keith
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Hill, Richard L.
Rose, William B.
Stewart, Roger
Ward, Kathleen W.
White, Paul R.

Dow, David
Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Desrochers, Gerard T.
Dodge, Emma M.
Dyer, Merton S.
Foote, Herbert N., Sr.
Grip, Robert H.
Holden, Carol H.
Jasper, Shawn N.

Alukonis, David J.
Beaupre, Roland O.
Cowenhoven, Garret P.
Desrosiers, William J.
Domaingue, Jacquelyn
Dykstra, Leona
Ford, Nancy M.
Harlan, Susan N.
Hultgren, David D.
Jean, Romeo W.

Amidon, Eleanor H.
Bicknell, Robert C.
Culbert, Patrick
Dionne, Paul R.
Drolet, Paul L.
Emerton, Lawrence
Gagnon, Gabrielle V.
Healy, Daniel J.
Hunter, Bruce F.
Keefe, Edmund M.

Kelley, Robert N.
 Kurk, Neal M.
 Lawrence, Norman B.
 Mason, Howard F.
 McNerney, Daniel P.
 Morrisette, Roland
 Paquette, Rodolphe G.
 Prestipino, Bartolo V.
 Riley, Frances L.
 Schneiderat, Catherine
 Stiles, Walter A.
 Upton, Barbara Allen
 Wright, George W.

Klose, John F.
 Lachut, Ervin R.
 Lown, Elizabeth
 McCann, Bonnie Lou
 McRae, Karen
 Ouellette, Robert O.
 Pepino, Leo P.
 Record, Alice Barnard
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

Knight, Alice Tirrell
 Lawrence, Eva M.
 Lozeau, Donnalee
 McDowell, James E.
 Messier, Irene M.
 Packard, Bonnie B.
 Perham, Lester R.
 Rheault, Lillian I.
 Rodgers, G. Philip
 Steiner, Lee Anne
 Tyree, Paul M.
 Wheeler, David K.

MERRIMACK

Apple, Lowell D.
 Boucher, Laurent J.
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Pfaff, Terence R.
 Smith, Gerald R.

Barberia, Richard A.
 Carter, Susan D.
 Gross, Caroline L.
 Hayes, Robert C.
 Johnson, C. William
 Lockwood, Robert A.
 Phelps, James D.
 Teague, Bert

Bardsley, Elizabeth S.
 Fillion, Paul R.
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Shaw, Randall F.
 Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McCarthy, John James, Jr.
 Parr, Ednappearl F.
 Scamman, W. Douglas, Jr.
 Sherburne, John L.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wells, Henry E.

Benton, Richardson D.
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McKinney, Betsy
 Raynowska, Bernard J.
 Schmidtchen, Rowland
 Simon, Peter M.
 Sytek, Donna
 Warburton, Calvin
 Weyler, Kenneth L.

Boucher, William Paul
 Campbell, Eunice M.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Thomas U.
 Haynes, Richard L.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 Palazzo, Frank J., Sr.
 Remick, Barbara R.
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.
 Wright, David B.

STRAFFORD

Appleby, James E.
 Dionne, Albert J.
 Frechette, Roland A.
 Martling, W. Kent

Bernard, Mary E.
 Flynn, Anita A.
 Kinney, Paula J.
 Musler, George T.

Bickford, Drucilla
 Flynn, Edward J.
 Marston, Robert E.
 Parks, Joe B.

Pelley, Janet R.
Swope, Warren L.
Tsiros, William

Scharff, Thomas Edward
Torr, Ann M.
Vincent, Francis C.

Stewart, Glenn W.
Torr, Ralph W.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Rodeschin, Beverly T.
and the motion lost.

Domini, Irene C.
MacAskill, Kenneth M.
Schotanus, Merle W.,

Hinrichsen, Keith
Middleton, John A.

Report adopted.

HB 567-FN, relative to expenditure of excess moneys by school districts. (A)
OUGHT TO PASS WITH AMENDMENT.

The amendment to the bill is a technical amendment recommended by the Department of Revenue Administration. The majority of the Committee finds that the bill has no effect on state revenues or expenditures. Vote 11-10. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend RSA 198:20-c, I as inserted by section 2 of the bill by replacing it with the following:

I. School districts may establish capital reserve funds in accordance with the provisions of RSA 35 from unreserved fund balances. "Unreserved fund balance" shall be defined as surplus generated by unexpended balances of appropriations and excess revenues received over estimates. Such sums are added to the prior year ending fund balance to arrive at the current year fund balance. School districts may anticipate the amount of unreserved fund balance available at the close of the fiscal year, and such anticipated unreserved fund balance may be used for purposes of making an appropriation at the annual school district meeting.

Amend RSA 198:20-d, I as inserted by section 2 of the bill by replacing it with the following:

198:20-d Trust Funds Created for Specific Purposes; Expenditures; Administration.

I. The school district may at any annual meeting appropriate such sums of money or vote to transfer any anticipated unreserved fund balance as defined in RSA 198:20-c, I as they deem necessary to create expendable trust funds for specific purposes for the maintenance and operation of schools and for any other purpose that is not foreign to the school districts' institution or incompatible with the objects of their organization. The school board shall be named agents to expend such trust funds. Expenditures from such trust funds shall be made only for the purpose for which the trust fund was established.

AMENDED ANALYSIS

This bill allows any school board which desires to spend excess moneys from any source which have become available during a fiscal year to do so, with certain restrictions, under the school board's own authority once a one-time warrant authorizing such action has been adopted at an annual school district meeting.

The bill authorizes school districts to establish capital reserve funds from unreserved fund balances. Such balances are defined as surplus money available to school districts from unexpended balances of appropriations and from actual revenues re-

ceived in excess of revenues estimated. The bill also authorizes the appropriation by school districts of unreserved fund balance money to an existing capital reserve fund.

The bill permits the creation of trust funds by school districts for the purpose of holding in trust any anticipated unreserved fund balance. Such trust funds shall be expendable for the purpose of maintenance and operation of schools and for any other purpose compatible with the objectives of the organization of such school districts.

Amendment adopted.

Ordered to third reading.

HB 705-FN, relative to drug-free school zones and making appropriations therefor.
(A) OUGHT TO PASS WITH AMENDMENT.

The amendment strikes the mandatory sentence part of this bill because of the potential cost to the corrections system of that section. Other than the mandatory sentences, the Committee finds that this bill has no fiscal impact. Vote 15-2. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the bill by replacing section 2 with the following:

2 Selling Drugs Near Schools. RSA 318-B:26, V is repealed and reenacted to read as follows:

V. Any person who violates this chapter by manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private elementary, secondary, or secondary vocational technical school, may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section.

Rep. McCain spoke against the amendment and yielded to questions.

Rep. Robinson spoke in favor of the amendment.

Reps. Matson and Hawkins spoke against the amendment.

Rep. Hager spoke in favor of the amendment and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 118

NAYS 237

YEAS 118 BELKNAP

Hardy, Earle D.

Holbrook, Robert G.

Pearson, Ralph W.

CARROLL

Allard, Nanci A.

Dodge, Arthur G., Jr.

Foster, Robert W.

Olimpio, J. Lisbeth

Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.

Cole, Stacey W.

Crutchley, Donald O.

Grodin, Richard A.

Hunt, John B.

LaMar, David M.

Metzger, Katherine H.

Morse, Jo-Ann T.

Sawyer, Alfred P.

COOS

Guay, Lawrence J.

Horton, Lynn C.

Marsh, Beaton

Merrill, Gerald

Nelson, Harold D.

GRAFTON

Adams, Carl S.

Brown, Channing T.

Driscoll, William J.

Hill, Richard L.

Rose, William B.

Stewart, Roger

Townsend, Howard C.
Whitcomb, Henry F., Jr.

Ward, Kathleen W.

Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Cowenhoven, Garret P.
Grip, Robert H.
Hultgren, David D.
Lawrence, Eva M.
McCann, Bonnie Lou
Pappas, Toni
Rodgers, G. Philip
Spaloss, Henry F.
Tarpley, Nancy L.

Amidon, Eleanor H.
Daigle, Robert Arthur
Haettenschwiller, A. A.
Jean, Romeo W.
Lawrence, Norman B.
McRae, Karen
Paquette, Rodolphe G.
Sallada, Roland A.
Steiner, Lee Anne
Turgeon, Roland M.

Bicknell, Robert C.
Dodge, Emma M.
Holden, Carol H.
Knight, Alice Tirrell
Lown, Elizabeth
Nardi, Theodora P.
Robinson, Ellen-Ann
Schneiderat, Catherine
Stiles, Walter A.
Vanderlosk, Stanley R.

MERRIMACK

Boucher, Laurent J.
Gross, Caroline L.
Holmes, Mary C.
Lockwood, Robert A.
Phelps, James D.

Dunn, Miriam
Hager, Elizabeth
Kidder, William F.
Millard, Elizabeth S.

Fraser, Leo W., Jr.
Hill, Michael
Lewis, Mary Ann
Pfaff, Terence R.

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Fesh, Robert M.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
McGovern, Cynthia A.
Seward, Russell G.
Sytek, Donna
Warburton, Calvin

Boucher, William Paul
Dube, LeRoy S.
Ford, Bert H.
Hoelzel, Kathleen M.
Katsakiores, George N.
MacDonald, Maurice B.
McKinney, Betsy
Simon, Peter M.
Tufts, J. Arthur

Brown, Lewis W.
Felch, Charles H., Sr.
Gourdeau, Raymond H.
Hollingworth, Beverly A.
Katsakiores, Phyllis
Magoon, Harold F.
Ritzo, Eugene
Splaine, John E., Sr.
Vartanian, Elsie

STRAFFORD

Bernard, Mary E.
Keans, Sandra Balomenos
Parks, Joe B.
Swope, Warren L.
Young, John B.

Flynn, Anita A.
Kinney, Paula J.
Pelley, Janet R.
Torr, Ann M.

Flynn, Edward J.
Musler, George T.
Stewart, Glenn W.
Vincent, Francis C.

SULLIVAN

Rodeschin, Beverly T.

Stamatakis, Carol M.

NAYS 237

BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Richardson, Lawrence
Turner, Robert H.

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rosen, Ralph J.
Vogler, Charles C.

Golden, Paul A.
Randall, Kenneth A.
Salatiello, Thomas
Ziegara, Alice S.

CARROLL

Chandler, Gene G.
MacDonald, Kenneth J.

Daly, Robert J., Jr.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
 Delano, Robert F.
 Gordon, Irvin H.
 Matson, William R.
 Pierce, David A.
 Young, David A.

Blacketor, Paul G.
 Doucette, Richard F.
 Hill, Douglas E.
 Pearson, Gertrude B.
 Pratt, Irene A.

Cole, Kenneth A.
 Foster, Katherine Davis
 Laurent, John J.
 Perry, David M.
 Spear, Susan

COOS

Brungot, Catherine V.
 Kilbride, Dennis J.
 Oleson, Otto H.

Buckley, C. Fitzgerald, III
 Lemire, George
 Woodburn, Jeffrey R.

Dumont, Robert E.
 Mayhew, Josephine

GRAFTON

Arnesen, Deborah L.
 Chambers, Mary P.
 Dow, David
 Markley, J. Keith
 Shackett, Ralph E.
 White, Paul R.

Bean, Pamela B.
 Copenhaver, Marion L.
 Guest, Robert H.
 Nordgren, Sharon
 Teschner, Douglass P.

Bennett, Shirley M.
 Densmore, Edward D.
 Larson, Nils H., Jr.
 Scanlan, David M.
 Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.
 Barry, Janet Gail
 Bowers, Dorothy C.
 Culbert, Patrick
 Dionne, Paul R.
 Drabinowicz, A. Theresa
 Dwyer, Patricia R.
 Elliott, Larry G.
 Flood, Jacqueline J.
 Frank, Nancy G.
 Goulet, Maurice E.
 Hall, Betty B.
 Healy, Daniel J.
 Jenkins, Mary
 Kelley, Robert N.
 Kress, Gloria W.
 Leclerc, Charles J.
 McDowell, James E.
 Moore, Elizabeth A.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Smith, Leonard A.
 Upton, Barbara Allen
 Wright, George W.

Andrews, Frederick B.
 Beaupre, Roland O.
 Burkush, Peter
 Desrochers, Gerard T.
 Domaingue, Jacquelyn
 Drolet, Paul L.
 Dyer, Merton S.
 Emerton, Lawrence
 Foote, Herbert N., Sr.
 Gagnon, Gabrielle V.
 Green, Scott E.
 Hanselman, Gregory L.
 Hunter, Bruce F.
 Johnson, Lionel W.
 King, John A.
 Kurk, Neal M.
 Lozeau, DonnaLee
 McNerney, Daniel P.
 Morrisette, Roland
 Ouellette, Robert O.
 Perham, Lester R.
 Record, Alice Barnard
 Riley, Frances L.
 Toomey, Daniel
 Wheeler, David K.

Baldizar, Barbara J.
 Bourque, Ann J.
 Cote, David E.
 Desrosiers, William J.
 Donovan, Francis X.
 Dube, Ellen C.
 Dykstra, Leona
 Fields, Dennis H.
 Ford, Nancy M.
 Gerow, Sezen M.
 Gureckis, Adam C., Sr.
 Harlan, Susan N.
 Jasper, Shawn N.
 Keefe, Edmund M.
 Klose, John F.
 Lachut, Ervin R.
 Mason, Howard F.
 Messier, Irene M.
 Murphy, Robert E.
 Packard, Bonnie B.
 Pignatelli, Debora B.
 Reidy, Frank J.
 Searles, Stanley N., Sr.
 Tyree, Paul M.
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.

Apple, Lowell D.
 Beaton, Nancy

Barberia, Richard A.
 Bennett, J. Allen

Braiterman, Thea
Fair, Patricia A.
Hall, Douglas E.
Johnson, C. William
Provencal, Leo A.
Soldati, Jennifer
Trombly, Rick A.

Carter, Susan D.
Fillion, Paul R.
Hayes, Robert C.
Nichols, Avis B.
Shaw, Randall F.
Stio, Peter M.
Whittemore, James A.

Daneault, Gabriel
Gilbreth, Robert M.
Jacobson, Alf E.
Pantzer, Eugene
Smith, Gerald R.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Caswell, Albert, Jr.
Cooke, Annette M.
Flanders, Harry E.
Haynes, Richard L.
Kane, Cecelia D.
Lovejoy, Virginia K.
Mace, Ada L.
McCarthy, John James, Jr.
Pantelakos, Laura C.
Popov, Elizabeth M.
Rosencrantz, James R.
Senter, Marilyn P.
Sochalski, Matthew M.
Welch, David A.
Wright, David B.

Bell, Juanita
Buco, Stephen
Chase, Lawrence A., Jr.
Cote, Patricia L.
Flanders, John W., Sr.
Hoar, John, Jr.
Klemarczyk, Thaddeus E.
MacDonald, Joseph A.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Parr, Ednapearl F.
Raynowska, Bernard J.
Roulston, Donald L.
Sherburne, John L.
Vaughn, Charles L.
Wells, Henry E.

Blanchard, MaryAnn N.
Campbell, Eunice M.
Conroy, Janet M.
Flanagan, Natalie S.
Gage, Thomas U.
Hynes, Carolyn E.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
McCain, William F.
Palazzo, Frank J., Sr.
Parsons, Robert F.
Remick, Barbara R.
Schmidtchen, Rowland
Skinner, Patricia M.
Weddle, Michael Rodney
Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Gilmore, Gary
Martling, W. Kent
O'Brien, John
Sullivan, Henry P.
Wheeler, Katherine Wells

Bickford, Drucilla
Dionne, Albert J.
Lachance, Douglas
McCann, William H., Jr.
Scharff, Thomas Edward
Torr, Ralph W.

Brown, Julie M.
Frechette, Roland A.
Marston, Robert E.
Merrill, Amanda
Spencer, Leo J.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
MacAskill, Kenneth M.
and the amendment lost.

Burling, Peter Hoe
Hinrichsen, Keith
Middleton, John A.

Domini, Irene C.
Krueger, Richard H.
Schotanus, Merle W.,

Rep. Holbrook spoke against the report.
Ordered to third reading.

CACR 22, relating to increasing the terms of house and senate members from 2 to 4 years. Providing that the terms of house and senate members be increased to 4 years.
INEXPEDIENT TO LEGISLATE.

The Committee felt there were many problems with this Constitutional Amendment Concurrent Resolution. Unless there were a CACR which receives approval for a four-year Governor's term, there would be a conflict of terms. The pay adjustment would also have to be made at the same time. The Committee felt there would be

more reluctance on the part of candidates to file for four years than two years. Vote 11-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

The Speaker called for a division vote, and 291 members having voted in the affirmative and 43 in the negative, the report was adopted.

Rep. Carl Anderson wished to be recorded in favor of the report.

CACR 25, relating to the membership of the senate. Providing that the senate shall consist of 48 members. **OUGHT TO PASS.**

CACR 25 would double the size of the Senate from 24 members to 48. Currently, Senators serve on five committees, sponsor legislation and respond to constituents. Passage of CACR 25 would allow the Senate to do its work more efficiently. Vote 9-2. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

The Speaker called for a division vote, and 278 members having voted in the affirmative and 67 in the negative, CACR 25 was ordered to third reading by the constitutionally-required three-fifths vote.

HB 1214-FN, relative to regional refuse disposal district and solid waste management planning committee members. **INEXPEDIENT TO LEGISLATE.**

The Committee is not convinced this is a statewide problem and believes it can be addressed locally. Vote 16-2. Rep. Betty B. Hall for Environment and Agriculture.

Rep. Trombly moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Motion adopted and the bill was referred for Interim Study.

Rep. Douglas Hill abstained from voting under Rule 16.

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way. **OUGHT TO PASS WITH AMENDMENT.**

The Committee believes that this bill, as amended, now includes all concerns expressed at the public hearing and provides acceptable alternatives to the use of herbicides on utility rights-of-way. Vote 16-2. Rep. A. Gibb Dodge for Environment and Agriculture.

Amendment

Amend RSA 374:2-a as inserted by section 1 of the bill by replacing it with the following:

374:2-a Alternative to Herbicide Use. Every public utility that uses herbicides to clear or maintain its rights-of-way shall offer, as an alternative to herbicide use, to cut back such vegetation, if requested by the owner of the land on which the right-of-way exists. The utility shall be permitted to charge the landowners who opt for the cutting of vegetation on their property, an amount which reflects the increased cost the utility incurs in providing such an alternative.

AMENDED ANALYSIS

This bill requires public utilities to offer to landowners, along utilities' rights-of-way, an alternative to herbicide spraying in maintaining and clearing such rights-of-way. The utility shall offer to cut back the vegetation. If a landowner opts for this choice, the utility is permitted to charge him an amount which reflects the increase in its costs.

Amendment adopted.

Ordered to third reading.

HCR 19, relative to bovine somatotropin growth hormone. OUGHT TO PASS WITH AMENDMENT.

Bovine somatotropin (BST) is a biotechnologically produced hormone which is injected into cows to increase milk production. There is concern among New Hampshire dairy farmers that BST introduction could adversely impact New Hampshire agriculture. This resolution, which requests that Congress require more study before allowing commercial use, is supported by Agriculture Commissioner, Stephen Taylor, the New Hampshire Farm Bureau, and the New Hampshire Veterinary Medical Association. Vote 13-6. Rep. Douglass P. Teschner for Environment and Agriculture.

Rep. Sawyer moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. Teschner spoke against the motion and yielded to questions.

Reps. Richard Hill and Lachut spoke in favor of the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

(Speaker in the Chair)**YEAS 193****NAYS 158****YEAS 193****BELKNAP**

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Pearson, Ralph W.
Turner, Robert H.

Hawkins, Robert S.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Foster, Robert W.
Saunders, Howard N.

MacDonald, Kenneth J.
Wiggin, Allen R.

Olimpio, J. Lisbeth

CHESHIRE

Blacketor, Paul G.
Doucette, Richard F.
Hill, Douglas E.
Morse, Jo-Ann T.
Pierce, David A.

Crutchley, Donald O.
Foster, Katherine Davis
Hunt, John B.
Pearson, Gertrude B.
Sawyer, Alfred P.

Delano, Robert F.
Grodin, Richard A.
LaMar, David M.
Perry, David M.
Young, David A.

COOS

Dumont, Robert E.
Lemire, George
Nelson, Harold D.

Horton, Lynn C.
Mayhew, Josephine

Kilbride, Dennis J.
Merrill, Gerald

GRAFTON

Chambers, Mary P.
LaMott, Paul I.
Shackett, Ralph E.
White, Paul R.

Driscoll, William J.
Markley, J. Keith
Townsend, Howard C.

Hill, Richard L.
Rose, William B.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bourque, Ann J.
Desrochers, Gerard T.

Alukonis, David J.
Beaupre, Roland O.
Burkush, Peter
Desrosiers, William J.

Amidon, Eleanor H.
Bicknell, Robert C.
Daigle, Robert Arthur
Dionne, Paul R.

Domaingue, Jacquelyn
 Drolet, Paul L.
 Fields, Dennis H.
 Goulet, Maurice E.
 Holden, Carol H.
 Jean, Romeo W.
 King, John A.
 Kress, Gloria W.
 Leclerc, Charles J.
 McNerney, Daniel P.
 Murphy, Robert E.
 Paquette, Rodolphe G.
 Reidy, Frank J.
 Sallada, Roland A.
 Stiles, Walter A.
 Upton, Barbara Allen

Donovan, Francis X.
 Dyer, Merton S.
 Flood, Jacqueline J.
 Grip, Robert H.
 Hultgren, David D.
 Johnson, Lionel W.
 Klose, John F.
 Lachut, Ervin R.
 Mason, Howard F.
 Messier, Irene M.
 O'Rourke, JoAnne A.
 Perham, Lester R.
 Riley, Frances L.
 Searles, Stanley N., Sr.
 Turgeon, Roland M.
 Wheeler, David K.

Drabinowicz, A. Theresa
 Emerton, Lawrence
 Gagnon, Gabrielle V.
 Harlan, Susan N.
 Jasper, Shawn N.
 Kelley, Robert N.
 Knight, Alice Tirrell
 Lawrence, Norman B.
 McDowell, James E.
 Moore, Elizabeth A.
 Pappas, Toni
 Record, Alice Barnard
 Rodgers, G. Philip
 Steiner, Lee Anne
 Tyree, Paul M.
 Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
 Daneault, Gabriel
 Hayes, Robert C.
 Provencal, Leo A.
 Stio, Peter M.

Barberia, Richard A.
 Dunn, Miriam
 Kidder, William F.
 Shaw, Randall F.
 Teague, Bert

Bennett, J. Allen
 Hager, Elizabeth
 Nichols, Avis B.
 Smith, Gerald R.
 Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
 Bucu, Stephen
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gourdeau, Raymond H.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Seward, Russell G.
 Sytek, Donna
 Welch, David A.

Benton, Richardson D.
 Campbell, Eunice M.
 Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Hoar, John, Jr.
 Katsakiores, Phyllis
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCarthy, John James, Jr.
 Palazzo, Frank J., Sr.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Skinner, Patricia M.
 Tufts, J. Arthur
 Wells, Henry E.

Brown, Jeffrey M.
 Campbell, Marilyn R.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Gage, Thomas U.
 Hynes, Carolyn E.
 King, Roger C.
 MacDonald, Joseph A.
 Magoon, Harold F.
 McKinney, Betsy
 Parr, Ednappearl F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Warburton, Calvin
 Weyler, Kenneth L.

STRAFFORD

Bernard, Mary E.
 Burton, Wayne M.
 Flynn, Edward J.
 Marston, Robert E.
 Pelley, Janet R.
 Tsiros, William

Bickford, Drucilla
 Dionne, Albert J.
 Frechette, Roland A.
 O'Brien, John
 Sullivan, Henry P.
 Young, John B.

Brown, Julie M.
 Flynn, Anita A.
 Kinney, Paula J.
 Parks, Joe B.
 Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith

Domini, Irene C.
Krueger, Richard H.

Flint, Gordon B.
MacAskill, Kenneth M.

**NAYS 158
BELKNAP**

Bolduc, Dennis R.
Randall, Kenneth A.

Hardy, Earle D.
Salatiello, Thomas

Maviglio, Steven R.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.

Chandler, Gene G.
Dodge, Arthur G., Jr.

Daly, Robert J., Jr.

CHESHIRE

Avery, Stephen G.
Cole, Stacey W.
Matson, William R.
Spear, Susan

Barber, Robert E., Jr.
Gordon, Irvin H.
Metzger, Katherine H.

Cole, Kenneth A.
Laurent, John J.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.

Buckley, C. Fitzgerald, III
Marsh, Beaton

Burns, Harold W.
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Dow, David
Nordgren, Sharon
Teschner, Douglass P.
Weymouth, Philip H.

Arnesen, Deborah L.
Brown, Channing T.
Guest, Robert H.
Scanlan, David M.
Wadsworth, Karen O.

Bean, Pamela B.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Stewart, Roger
Ward, Kathleen W.

HILLSBOROUGH

Baldizar, Barbara J.
Bowers, Dorothy C.
Culbert, Patrick
Dwyer, Patricia R.
Ford, Nancy M.
Green, Scott E.
Hall, Betty B.
Jenkins, Mary
Lawrence, Eva M.
McCann, Bonnie Lou
Nardi, Theodora P.
Pepino, Leo P.
Rheault, Lillian I.
Smith, Leonard A.
Toomey, Daniel

Barry, Janet Gail
Cote, David E.
Dodge, Emma M.
Dykstra, Leona
Frank, Nancy G.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Keefe, Edmund M.
Lown, Elizabeth
McRae, Karen
Ouellette, Robert O.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Spaloss, Henry F.
Vanderlosk, Stanley R.

Barry, Vivian
Cowenhoven, Garret P.
Dube, Ellen C.
Foote, Herbert N., Sr.
Gerow, Sezen M.
Haettenschwiller, A. A.
Hunter, Bruce F.
Kurk, Neal M.
Lozeau, Donnalee
Morrissette, Roland
Packard, Bonnie B.
Prestipino, Bartolo V.
Schneiderat, Catherine
Tarpley, Nancy L.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Fair, Patricia A.
Gilbreth, Robert M.

Bardsley, Elizabeth S.
Braiterman, Thea
Fillion, Paul R.
Gross, Caroline L.

Beaton, Nancy
Carter, Susan D.
Fraser, Leo W., Jr.
Hall, Douglas E.

Hill, Michael
Johnson, C. William
Millard, Elizabeth S.
Phelps, James D.

Holmes, Mary C.
Lewis, Mary Ann
Pantzer, Eugene
Soldati, Jennifer

Jacobson, Alf E.
Lockwood, Robert A.
Pfaff, Terence R.
Whittemore, James A.

ROCKINGHAM

Bell, Juanita
Brown, Lewis W.
Conroy, Janet M.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Klemm, Arthur P., Jr.
McGovern, Cynthia A.
Rosencrantz, James R.
Splaine, John E., Sr.
Wright, David B.

Blanchard, MaryAnn N.
Caswell, Albert, Jr.
Ford, Bert H.
Haynes, Richard L.
Johnson, Robert A.
MacDonald, Maurice B.
Parsons, Robert F.
Sherburne, John L.
Vaughn, Charles L.

Boucher, William Paul
Chase, Lawrence A., Jr.
Gage, Beverly A.
Hoelzel, Kathleen M.
Kane, Cecelia D.
McCain, William F.
Popov, Elizabeth M.
Simon, Peter M.
Weddle, Michael Rodney

STRAFFORD

Appleby, James E.
Lachance, Douglas
Merrill, Amanda
Spencer, Leo J.
Torr, Ann M.

Gilmore, Gary
Martling, W. Kent
Musler, George T.
Stewart, Glenn W.
Vincent, Francis C.

Keans, Sandra Balomenos
McCann, William H., Jr.
Scharff, Thomas Edward
Swope, Warren L.
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
Stamatakis, Carol M.,

Middleton, John A.

Schotanus, Merle W.

and the substitute motion was adopted.

Resolution adopted.

Having voted with the prevailing side, Rep. Sallada moved that the House reconsider its action whereby it killed HCR 19, relative to bovine somatotropin growth hormone.

Reconsideration lost.

HB 409-FN, relative to licensing professional foresters. **OUGHT TO PASS.**

The Committee concurs with the recommendation of the Policy Committee on Resources, Recreation and Development that HB 409 should pass. A floor amendment concerning details of the licensing process and board procedures will be offered Thursday because the Committee was unable to meet the Calendar deadline. Rep. Gerard E. Powers for Executive Departments and Administration.

Rep. Scanlan offered an amendment and spoke to his amendment.

Amendment

Amend RSA 319-D:3, I as inserted by section 2 by replacing it with the following:

I. There is established a state board of licensing for foresters to administer the provisions of this chapter. The board shall consist of 7 persons, 3 of whom shall be foresters as defined in RSA 319-D:2, II, and 4 of whom shall be members of the general public. The public members shall be persons who are not, and never have been, members of the forestry profession, as defined in this chapter, nor relatives of such a person, and who do not have and never have had a material financial interest in either the provision of forestry services, or in an activity directly related to forestry.

Two of the public members shall be forest landowners actively engaged in forest management, but not otherwise connected with the forestry profession. The director, division of forest and lands, shall be a member of the board and shall serve as chairman.

Amend RSA 319-D:3, III as inserted by section 2 of the bill by replacing it with the following:

III. Board members shall be appointed by the governor and council. Initial terms shall be as follows: 2 members for 5 years; 2 members for 4 years; one member for 3 years; one member for 2 years; and one member for one year. Thereafter, all terms shall be for a period of 5 years.

Amend RSA 319-D:6, I and II as inserted by section 2 by replacing them with the following:

I. Possession of a 4-year forestry degree and 2 years experience of a nature satisfactory to the board. The board shall require an applicant to pass an oral or written examination.

II. Possession of a 2-year forestry degree and 4 years experience of a nature satisfactory to the board. The board shall require an applicant to pass an oral or written examination.

Amend RSA 319-D:8 as inserted by section 2 by replacing it with the following:

319-D:8 Examination, Re-examination, Fee. Written and oral examinations shall be at such time and place as the board may determine. The methods and procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination at the expiration of 6 months and shall be entitled to one re-examination without payment of an additional fee. Subsequent re-examinations may be granted upon payment of a fee to be fixed by the board.

Amend section 2 of the bill by inserting after RSA 319-D:17 the following new section:

319-D:18 Administrative Costs. The fees established by the board under this chapter shall be sufficient to produce estimated revenues equal to 125 percent of the estimated direct operating expenses of the board pursuant to RSA 332-G:2.

AMENDED ANALYSIS

This bill establishes a state board of forestry and requires foresters to be licensed by the board. The bill authorizes the board to make rules regarding licensure requirements, fees, disciplinary actions, violations, and penalties.

The bill also prospectively repeals the forestry board, effective September 30, 1996.

Rep. Powers spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 1414, relative to committee members of the state conservation committee. OUGHT TO PASS.

This bill, requested by the Department of Agriculture, adds the Commissioner of the Department of Environmental Services or designee, and the Executive Director of the New Hampshire Association of Conservation Commissions to the membership on the State Conservation Committee. The Committee considered a proposed amend-

ment that would have added "or designee" after each agency head named to the State Conservation Committee in present law, but rejected it because agency heads should be directly involved and there was no evidence that they have difficulty serving. Vote 11-2. Rep. Richard H. Campbell for Executive Departments and Administration.

Ordered to third reading.

HB 1016, relative to altering town highway classification from class V to class VI. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1016, as amended, clearly establishes the procedure that must be followed to discontinue, or discontinue subject to gates and bars, Class IV or Class V highways. As amended, this bill is a response to the Supreme Court's statement in *Glick v. Ossipee* that the Legislature has never established a formal procedure for reclassifying highways. Vote 15-0. Rep. Roger C. King for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to altering municipal highway classifications.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Discontinuance of Highways Subject to Legislative Body Approval. Amend RSA 231 by inserting after section 45 the following new section:

231:45-a Discontinuance of Highways Subject to Legislative Body Approval. No class IV or V highway shall be discontinued or effectively discontinued through use of bars or gates without the vote of the local legislative body as required by RSA 231:43 or RSA 231:45. No vote or other action of the governing body shall be effective to reclassify a class IV or V highway as a class VI highway. Any municipality which neglects to maintain and repair a class IV or V highway, without the vote of the legislative body, shall be subject to proceedings under RSA 231:90 or RSA 231:82 at any time prior to the lapse of the 5-year period under RSA 229:5, VII.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the governing body of a municipality to obtain approval of the legislative body before changing the classification of or discontinuing certain highways.

Rep. Grodin yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 1411, relative to legislation regarding returning revenue to cities and towns. **INEXPEDIENT TO LEGISLATE.**

To implement this bill would require another review of each piece of legislation to determine if it affected a limited number of statutes. It would be tedious and further impede the speedy process of having bills printed and available to legislators. The type of legislation which the sponsors wish to identify with a special designation is of a nature which is always well-publicized and discussed, such as Foundation Aid; block grants to communities and Sweepstakes funds. It is not necessary to further identify these bills. Vote 10-7. Rep. James D. Phelps for Legislative Administration.

Rep. John King moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate.

Reps. Lewis and Parks spoke against the motion.

Rep. Richardson spoke in favor of the motion.

On a voice vote, the Chair was in doubt and called for a division. 124 members having voted in the affirmative and 194 in the negative, the substitute motion failed.

Resolution adopted.

HB 1378, relative to the Hillsborough county budget committee. **INEXPEDIENT TO LEGISLATE**.

The Committee was unanimously opposed to this legislation establishing an appointed county budget committee. This budget committee would create another layer of bureaucracy and would usurp the budgetary powers of the County Delegation. A preponderance of testimony was in strong opposition. Vote 15-0. Rep. Leona Dykstra for Municipal and County Government.

Resolution adopted.

HB 1369-FN, relative to permits, waiting periods, and penalties regarding the purchasing and carrying of firearms. **INEXPEDIENT TO LEGISLATE**.

On January 16, Representatives Hall and the House gallery were again "standing room only," the total count (petitions, phone calls, letters, pink cards, etc.) in opposition 4689, in support 34.

House Bill 1369 is a "criminal's delight bill"; while the "good guys" must wait 14 days for a permit to purchase, possess and carry a firearm, the underworld saves time by stealing their weapons or purchasing from their colleagues, without the inconvenience of application forms, waiting periods, etc.

Permit issuing authorities (selectmen, chiefs of police, etc.) already possess the authority to wait 14 days, if they so desire, prior to permit issuance; they should be allowed to retain this flexibility, so as to be able to act on a situation which, in their opinion, requires the prompt issue of a handgun permit, without waiting 14 days to so issue (with responsibility there must be authority!).

The 14-day waiting period could also be a harassment to members of the community who were well known to the issuing authority, and who possessed flawless character, dependability and record of service to the community.

The Committee could find no valid reason for the requirement of a permit to purchase, carry or retain a rifle or shotgun. If such a permit were required, it would be in order that a permit should also be required to purchase a carving knife, a screwdriver or a pair of scissors, as these items were used in five (5) "stabbing homicides" in New Hampshire in 1989.

The definition of a "suitable person" (Page 3, line 12 contains many loopholes, which could result in applicants with problems involving substance abuse, numerous traffic violations and crimes of a "violation and misdemeanor" nature being licensed to buy, possess, etc. As written, the definition could lead to a different interpretation of who is a "suitable person," by each issuing authority.

The United States Census Bureau reports a 40 percent reduction in firearms accidents since 1970.

The Committee was strong in the belief that the New Hampshire Firearms Control Laws were adequate, and working, and "if something is working, don't fix it!" Vote 13-1. Rep. David A. Welch for Public Protection and Veterans Affairs.

Resolution adopted.

HB 1231-FN, granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire Purple Heart license plates. **OUGHT TO PASS WITH AMENDMENT.**

The Committee recognizes the contributions made by recipients of Purple Hearts to our country, but declined to give them free passage through the toll booths because of all the others who would then request special consideration. The bill has been amended to address a very serious problem in our state's highway program, who is in charge — the General Court or the Governor's Council. The 10-year highway plan was developed, passed and funded by legislative action by the legislative branch of government, but has been amended, added to and revised by the Governor's Council acting as the Highway Advisory Commission under Executive Order 89-5, drawing its authority from RSA 230:13 and 230:45 which authorizes the appointment of a layout commission. Through this device, the Highway Advisory Commission is recommending specific highway layouts to itself, the Governor's Council for approval. Not only is this a problem in itself, but the Executive Council has amended a legislative act — a serious encroachment on the constitutional separation of powers, by recommending these changes and amendments. The Public Works Committee feels very strongly that this amendment should pass which will ensure that there is an annual General Court Review of the 10-year plan; that the Fiscal Committee approve funding re-allocations within the program; and that the Layout Commission be composed of individuals who are not elected or appointed state officials or civil servants. There cannot be nor should there be two separate groups overseeing the 10-year Highway Plan and it is time to resolve this conflict by reasserting legislative control over the legislation we developed, funded and approved. Vote 14-0. Rep. James D. Phelps for Public Works.

Rep. Phelps moved that HB 1231 be recommitted to the Committee on Public Works.

Motion adopted.

HB 1274-FN, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn. **OUGHT TO PASS.**

The Committee recognizes that the late Judge Thomas E. Flynn contributed greatly to the community of Portsmouth, not only on the bench for 28 years, but also in community affairs, particularly in Boy Scouting. It further recognizes that the Legislative Delegation and City Council are in favor of the bill. The split vote represents an honest difference of opinion over the practice of naming any public building. Vote 10-4. Rep. Daniel P. McNerney for Public Works.

Ordered to third reading.

HB 216-FN, requiring emissions control inspections of motor vehicles. **REFER FOR INTERIM STUDY.**

This bill would have established an annual emissions inspection program for the entire state. The majority of the Committee felt that it should wait for results of pending legislation in Washington, DC. The emissions program now in effect expires January 1, 1991. Vote 10-6. Rep. Richard L. Haynes for Transportation.

Rep. Haynes moved that the words, Ought to Pass with Amendment, be substituted for the report of the Committee, Refer for Interim Study, and spoke to his motion.

Rep. Greene spoke in favor of the motion and yielded to questions.

Rep. George Katsakiores spoke against the motion and yielded to questions.

Rep. Lachut and Klemarczyk spoke against the motion.

Rep. Sherburne and Donovan spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 125**NAYS 222****YEAS 125****BELKNAP**

Campbell, Richard H., Jr. Maviglio, Steven R.

CARROLL

Allard, Nanci A. Daly, Robert J., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr. Cole, Stacey W.
Pratt, Irene A.

GRAFTON

Adams, Carl S. Arnesen, Deborah L. Bean, Pamela B.
Bennett, Shirley M. Copenhaver, Marion L. Guest, Robert H.
Nordgren, Sharon Scanlan, David M. Teschner, Douglass P.
Wadsworth, Karen O. Whitcomb, Henry F., Jr. White, Paul R.

HILLSBOROUGH

Amidon, Eleanor H. Baldizar, Barbara J. Barry, Vivian
Cote, David E. Cowenhoven, Garret P. Daigle, Robert Arthur
Dodge, Emma M. Donovan, Francis X. Drabinowicz, A. Theresa
Dube, Ellen C. Elliott, Larry G. Emerton, Lawrence
Fields, Dennis H. Flood, Jacqueline J. Ford, Nancy M.
Frank, Nancy G. Gagnon, Gabrielle V. Green, Scott E.
Gureckis, Adam C., Sr. Haettenschwiller, A. A. Hall, Betty B.
Hanselman, Gregory L. Harlan, Susan N. Jasper, Shawn N.
Jenkins, Mary Kelley, Robert N. Lown, Elizabeth
McCann, Bonnie Lou McDowell, James E. McNerney, Daniel P.
McRae, Karen Morrisette, Roland Pappas, Toni
Perham, Lester R. Pignatelli, Debora B. Prestipino, Bartolo V.
Record, Alice Barnard Rheault, Lillian I. Robinson, Ellen-Ann
Schneiderat, Catherine Searles, Stanley N., Sr. Smith, Leonard A.
Spaloss, Henry F. Tarpley, Nancy L. Toomey, Daniel
Vanderlosk, Stanley R. Wihby, Linda S.

MERRIMACK

Bardsley, Elizabeth S. Braiterman, Thea Carter, Susan D.
Dunn, Miriam Fair, Patricia A. Fillion, Paul R.
Gross, Caroline L. Holmes, Mary C. Jacobson, Alf E.
Lewis, Mary Ann Millard, Elizabeth S. Pantzer, Eugene
Phelps, James D. Provencal, Leo A. Soldati, Jennifer
Trombly, Rick A.

ROCKINGHAM

Blanchard, MaryAnn N. Campbell, Marilyn R. Conroy, Janet M.
Cooke, Annette M. Ford, Bert H. Gage, Beverly A.
Greene, Elizabeth A. Hollingworth, Beverly A. Klemm, Arthur P., Jr.
Lovejoy, Virginia K. MacDonald, Maurice B. MacKinnon, Nancy W.

Malcolm, Kenneth W.
McGovern, Cynthia A.
Popov, Elizabeth M.
Sherburne, John L.
Splaine, John E., Sr.
Wells, Henry E.

McCain, William F.
Micklon, Stephanie K.
Raynowska, Bernard J.
Skinner, Patricia M.
Vaughn, Charles L.

McCarthy, John James, Jr.
Parsons, Robert F.
Seward, Russell G.
Sochalski, Matthew M.
Weddle, Michael Rodney

STRAFFORD

Bernard, Mary E.
Lachance, Douglas
Stewart, Glenn W.
Wheeler, Katherine Wells

Gilmore, Gary
Merrill, Amanda
Torr, Ann M.

Keans, Sandra Balomenos
Musler, George T.
Torr, Ralph W.

SULLIVAN

Schotanus, Merle W.

NAYS 222

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Richardson, Lawrence
Turner, Robert H.

Golden, Paul A.
Pearson, Ralph W.
Rosen, Ralph J.
Vogler, Charles C.

Hardy, Earle D.
Randall, Kenneth A.
Salatiello, Thomas

CARROLL

Chandler, Gene G.
MacDonald, Kenneth J.
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Foster, Katherine Davis
Hunt, John B.
Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

Blacketor, Paul G.
Delano, Robert F.
Gordon, Irvin H.
LaMar, David M.
Metzger, Katherine H.
Perry, David M.
Spear, Susan

Cole, Kenneth A.
Doucette, Richard F.
Grodin, Richard A.
Laurent, John J.
Morse, Jo-Ann T.
Pierce, David A.
Young, David A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Merrill, Gerald
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

GRAFTON

Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Ward, Kathleen W.

Chambers, Mary P.
Hill, Richard L.
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Weymouth, Philip H.

Dow, David
LaMott, Paul I.
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Townsend, Howard C.

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Ahrens, Frederick G.
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Andrews, Frederick B.
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Bowers, Dorothy C.
Desrochers, Gerard T.
Domaingue, Jacquelyn
Dyer, Merton S.
Gerow, Sezen M.
Healy, Daniel J.
Jean, Romeo W.
King, John A.
Kress, Gloria W.
Lawrence, Eva M.
Lozeau, Donnalee
Moore, Elizabeth A.
Ouellette, Robert O.
Pepino, Leo P.
Rodgers, G. Philip
Turgeon, Roland M.
Wheeler, David K.

Burkush, Peter
Desrosiers, William J.
Drolet, Paul L.
Dykstra, Leona
Goulet, Maurice E.
Hultgren, David D.
Johnson, Lionel W.
Klose, John F.
Kurk, Neal M.
Lawrence, Norman B.
Mason, Howard F.
Murphy, Robert E.
Packard, Bonnie B.
Reidy, Frank J.
Sallada, Roland A.
Tyree, Paul M.
Wright, George W.

Culbert, Patrick
Dionne, Paul R.
Dwyer, Patricia R.
Foote, Herbert N., Sr.
Grip, Robert H.
Hunter, Bruce F.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Leclerc, Charles J.
Messier, Irene M.
O'Rourke, JoAnne A.
Paquette, Rodolphe G.
Riley, Frances L.
Stiles, Walter A.
Upton, Barbara Allen

MERRIMACK

Anderson, Eleanor M.
Bennett, J. Allen
Fraser, Leo W., Jr.
Hall, Douglas E.
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Hayes, Robert C.
Lockwood, Robert A.
Shaw, Randall F.
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Beaton, Nancy
Daneault, Gabriel
Hager, Elizabeth
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Nichols, Avis B.
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Whittemore, James A.

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Hoelzel, Kathleen M.
Kane, Cecelia D.
King, Roger C.
Mace, Ada L.
Palazzo, Frank J., Sr.
Remick, Barbara R.
Roulston, Donald L.
Simon, Peter M.
Vartanian, Elsie
Weyler, Kenneth L.

Bell, Juanita
Brown, Jeffrey M.
Campbell, Eunice M.
Cote, Patricia L.
Fesh, Robert M.
Flanders, John W., Sr.
Haynes, Richard L.
Hynes, Carolyn E.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Pantelakos, Laura C.
Ritzo, Eugene
Schmidtchen, Rowland
Sytek, Donna
Warburton, Calvin
Wright, David B.

Benton, Richardson D.
Brown, Lewis W.
Caswell, Albert, Jr.
Dube, LeRoy S.
Flanagan, Natalie S.
Gage, Thomas U.
Hoar, John, Jr.
Johnson, Robert A.
Katsakiores, Phyllis
MacDonald, Joseph A.
McKinney, Betsy
Parr, Ednapearl F.
Rosencrantz, James R.
Senter, Marilyn P.
Tufts, J. Arthur
Welch, David A.

STRAFFORD

Appleby, James E.
Dionne, Albert J.
Frechette, Roland A.
Martling, W. Kent

Bickford, Drucilla
Flynn, Anita A.
Kinney, Paula J.
McCann, William H., Jr.

Brown, Julie M.
Flynn, Edward J.
Marston, Robert E.
O'Brien, John

Parks, Joe B.
 Spencer, Leo J.
 Tsiros, William

Pelley, Janet R.
 Sullivan, Henry P.
 Vincent, Francis C.

Scharff, Thomas Edward
 Swope, Warren L.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 MacAskill, Kenneth M.

Burling, Peter Hoe
 Hinrichsen, Keith
 Middleton, John A.

Domini, Irene C.
 Krueger, Richard H.
 Rodeschin, Beverly T.,

and the substitute motion lost.

Report adopted.

Rep. Hawkins wished to be recorded in favor of the motion.

HB 318-FN, prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton. REFER FOR INTERIM STUDY.

The Committee believes that further amendment of the laws relating to the prohibition of ski craft on public waters may be necessary. However, it would be inappropriate to make such amendments at this time, due to an ongoing court case on this subject. The Committee believes the proper course of action is to wait for the finalization of judicial proceedings and an opportunity to study the court's decision before any further legislative action is taken. Vote 11-5. Rep. Kenneth W. Malcolm for Transportation.

Report adopted.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover. OUGHT TO PASS.

This bill prohibits the use and operation of a power motor, except an electric motor not in excess of 5 horsepower, on Elbow Pond in the town of Andover. Testimony showed that this is a wilderness pond and very shallow and cannot support power boats. Vote 9-5. Rep. Richard L. Haynes for Transportation.

Ordered to third reading.

HB 1390-FN-A, to impose a telecommunications excise tax. OUGHT TO PASS WITH AMENDMENT.

This bill is twofold. First, it repeals an unfair tax levied on personal and real property of telephone companies and replaces it with a telecommunications excise tax. This tax puts telephone, cellular, paging and cable television companies on an equal footing. Secondly, the Committee used this bill as a revenue enhancement measure to help solve the current budgetary shortfall. This bill sets a permanent telecommunications excise tax rate at 3 percent with a surcharge of 66 2/3 percent for the remainder of the biennium. The effective rate of 5 percent for the remaining 15 months of the biennium should increase revenues by \$25 million. The telecommunications excise tax will remain at 3 percent after July 1, 1991. The fiscal note calls for state expenditures of \$37,571 in FY90 and \$97,473 in FY91. Vote 9-4. Rep. Garret P. Cowenhoven for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to impose a telecommunications excise tax and
 making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference to Telecommunications Excise Tax Added. Amend RSA 21-J:9, I(e) to read as follows:

(e) Assessing the taxes upon railroad, railway, telegraph, telephone, express, dining, sleeping, and parlor car companies and corporations, or other corporations or companies not a railroad corporation or company owning any cars operated for profit on any railroad in this state, as provided by law, *and assessing the telecommunications excise tax.*

2 Reference Changed to Telecommunications Excise Tax. Amend RSA 21-J:9, I(e) to read as follows:

(e) Assessing the taxes upon railroad, railway, [telegraph, telephone,] express, dining, sleeping, and parlor car companies and corporations, or other corporations or companies not a railroad corporation or company owning any cars operated for profit on any railroad in this state, as provided by law, and assessing the telecommunications excise tax.

3 Chapter Title Changed. The chapter title of RSA 82 is repealed and reenacted to read as follows:

TAXATION OF RAILROADS

4 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:2 to read as follows:

82:2 Rate. Every railroad, railway, express, [telephone and telegraph corporation or company,] and every parlor, sleeping or dining car corporation or company, or other corporation or company not a railroad company owning any cars operated for profit on any railroad in this state shall pay to the state an annual tax, as of April 1 of each year, upon the actual value of its property and estate, [except buildings used by telephone and telegraph companies for office purposes and as central stations,] at a rate as nearly equal as may be to the average rate of taxation at that time upon other property throughout the state.

5 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:12 to read as follows:

82:12 Express and Other Lines. Every express corporation or company shall state the whole length of the lines of rail or water routes over which the company did business during the preceding year, whether within or without the state, and the whole length of such lines within the state[; every telegraph or telephone corporation or company, the total length of its lines, whether within or without the state, and the total length of its lines within the state].

6 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:36 to read as follows:

82:36 Report of Commissioner of Revenue Administration. The commissioner of revenue administration shall incorporate in his report all facts as to the total market value of the stocks and bonds and other funded or floating debt of such corporation or company and the capitalized value ascertained as herein provided, all facts relative to the total trackage of such railroad or railway corporation or company, [the total length of lines of each telegraph or telephone corporation or company,] the total number of car-miles of each parlor, sleeping or dining-car corporation or company, and the total length of lines of rail or water-routes of each express corporation or company, together with such other information as it may deem proper.

7 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:37 to read as follows:

82:37 Taxation of Certain Property. The real estate of any railroad, railway, express, [telephone and telegraph corporation or company,] and parlor, sleeping or dining-car corporation or company, or other corporations or companies, not railroad companies, owning any cars operated for profit on any railroad in this state, not used in its ordinary business, [and buildings used by telephone and telegraph companies for office purposes and central stations,] shall be appraised and taxed under RSA 72.

8 New Chapter; Telecommunications Tax. Amend RSA by inserting after chapter 82 the following new chapter:

CHAPTER 82-A TELECOMMUNICATIONS EXCISE TAX

82-A:1 Definitions. As used in this chapter, unless the context clearly requires otherwise:

I. "Amount paid" means the amount charged to the taxpayer's service address in this state regardless of where such amount is billed or paid.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Department" means the department of revenue administration.

IV. "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this state and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. However, "gross charges" shall not include:

(a) Any amounts added to a purchaser's bill because of a charge made pursuant to the tax imposed by this chapter, or the tax imposed by Section 4251 of the United States Internal Revenue Code;

(b) Charges for a sent collect telecommunication received outside of the state;

(c) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(d) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(e) Charges for services which are not provided in connection with originating or receiving telecommunications and which are not necessary for or directly related to the provision of telecommunications, to the extent that the charges for such services are disaggregated and separately identified from other charges on the customer's bill;

(f) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the tax imposed under this chapter has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidi-

aries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service; and

(g) Charges paid by inserting coins in coin-operated telecommunication devices.

V. "Interstate telecommunications" means all telecommunications that either originate or terminate outside this state.

VI. "Intrastate telecommunications" means all telecommunications that originate and terminate within this state.

VII. "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representative appointed by order of any court; the federal and state governments and their agencies and departments, including state universities created by statute; or any county, city, town, school district or other political subdivision of this state.

VIII. "Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

IX. "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this chapter. The department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this state in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the department at its discretion.

X. "Retailer maintaining a place of business in this state", or any like term, means and includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

XI. "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the federal and state governments and their agencies and departments, including the state university system created by statute, and any county, city, town, school district or other political subdivision of this state, to the extent, in each case, such telecommunications services are for their own use.

XII. "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile telephones, paging systems, maritime systems, air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunication equipment as defined by telephone number, authorization code, or location in this state where bills are sent.

XIII. "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this state and who incurs a tax liability under this chapter.

XIV. "Telecommunications" means any transmission, emission, or reception of signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services and networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter services; cable television; computer exchange services; cellular mobile telecommunications services; facsimile services; specialized mobile radio; stationary two-way radio; paging services; or any other form, whether stationary, portable or mobile, of one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. "Telecommunications" shall not include:

(a) Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission; or

(b) Purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service.

82-A:2 Imposition of Tax; Intrastate Communications. A tax is imposed upon the act or privilege of originating or receiving intrastate telecommunications by a person in this state at the rate of 3 percent of the gross charge for such telecommunications purchased at retail from a retailer by such person. However, such tax is not imposed on the act or privilege to the extent such act or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by the state.

82-A:3 Imposition of Tax; Interstate Telecommunications. A tax is imposed upon the act or privilege of originating in this state or receiving in this state interstate telecommunications by a person in this state at the rate of 3 percent of the gross charge for such telecommunications purchased at retail from a retailer by such person. To prevent actual multi-state taxation of the act or privilege that is subject to taxation under this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such event, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on the act or privilege to the extent such act or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by the state.

82-A:4 Collection of Tax. The tax imposed under this chapter shall be collected from the taxpayer by a retailer maintaining a place of business in this state or having taxable sales in excess of \$10,000 and remitted to the department pursuant to this section. The tax required to be collected by this chapter and any such tax collected by such retailer shall constitute a debt owed by the retailer to this state. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications in this state, when sold for use, in the manner prescribed by the department. Whenever possible, the tax imposed

by this chapter shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications, and shall be labeled the "State Tax". The tax imposed by this chapter shall constitute a debt of the purchaser to the retailer who provides such taxable services until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such taxable services.

82-A:5 Tax Returns by Retailer; Estimated Payments and Extensions.

I. Except as provided hereinafter in this section, on or before the fifteenth day of each month each retailer maintaining a place of business in this state shall make a return to the department for the preceding calendar month, stating:

(a) His name;

(b) The address of his principal place of business, and the address of the principal place of business, if that is a different address, from which he engages in the business of transmitting telecommunications;

(c) Total amount of gross charges billed by him during the preceding calendar month for providing telecommunications during such calendar month;

(d) Total amount received by him during the preceding calendar month on credit extended;

(e) Deductions allowed by law;

(f) Gross charges which were billed by him during the preceding calendar month and upon the basis of which the tax is imposed;

(g) Amount of tax computed upon gross charges as provided in paragraph VI; and

(h) Such other reasonable information as the department may require.

II. If the retailer's average monthly tax billings due to the department do not exceed \$100, the department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of each year being due by April 15 of such year; with the return for April, May and June of each year being due by July 15 of such year; with the return for July, August and September of each year being due by October 15 of such year; and with the return for October, November and December of each year being due by January 15 of the following year.

III. Notwithstanding any other provision of this chapter containing the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this chapter, such retailer shall file a final return under this chapter with the department not more than one month after discontinuing such business.

IV. In making such return, the retailer shall determine the value of any consideration other than money received by him and he shall include such value in his return. Such determination shall be subject to review and revision by the department in the manner hereinafter provided for the correction of returns.

V. Each retailer whose average monthly liability to the department under this chapter was \$10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the department on or before the seventh, fifteenth, twenty-second and last day of the month during which tax collection liability to the department is incurred in an amount not less than the lower of either 22.5 percent of the retailer's actual tax collections for the month or 25 percent of the retailer's actual tax collections for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final liability of the retailer's return for that month. Any outstand-

ing credit, approved by the department, arising from the retailer's overpayment of its final liability for any month may be applied to reduce the amount of any subsequent quarter monthly payment or credited against the final liability of the retailer's return for any subsequent month. If any quarter monthly payment is not paid at the time or in the amount required by this section, the retailer shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as the retailer has previously made payments for that month to the department in excess of the minimum payments previously due.

VI. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a retailer within 15 days after the close of the calendar month for which a return is to be made, he may grant an extension of time for the filing of such return for a period not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by the retailer with the department of an amount of money not exceeding the amount estimated by commissioner to be due with the return so extended. All such deposits, including any heretofore made with the department, shall be credited against the retailer's liabilities under this chapter. If any such deposit exceeds the retailer's present and probable future liabilities under this chapter, the department shall issue to the retailer a credit memorandum, which may be assigned by the retailer to a similar retailer under this chapter, in accordance with reasonable rules to be prescribed by the department.

VII. The retailer making the return herein provided for shall, at the time of making such return, pay to the department the amount of tax herein imposed.

82-A:6 Tax Returns by Taxpayer.

I. When a taxpayer does not pay the tax imposed by this chapter to a retailer, such taxpayer shall file a return with the department and pay the tax upon that portion of gross charges so paid to the retailer during the preceding calendar month by the fifteenth day of the month following that month. Such return shall be filed on a form prescribed by the department and shall contain such information as the department may reasonably require.

II. When a taxpayer pays a tax imposed by this chapter directly to the department, the department upon request from such taxpayer, shall issue an appropriate receipt to such taxpayer showing that he has paid such tax to the department. Such receipt shall be sufficient to relieve the taxpayer from further liability for the amount of tax to which such receipt may refer.

82-A:7 Resale Number.

I. If a person who originates or receives telecommunications in this state claims to be a reseller of such telecommunications, such person shall apply to the department for a resale number. Such applicant shall state facts which will show the department why such applicant is not liable for tax under this chapter on any of his purchases and shall furnish such additional information as the department may reasonably require.

II. Upon approval of the application, the department shall assign a resale number to the applicant and shall certify such number to him. The department may cancel any such number which is obtained through misrepresentation, or which is used to originate or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

III. Except as provided in this section, the act or privilege of originating or receiving telecommunications in this state shall not be made tax-free on the ground of

being a sale for resale unless the person has an active resale number from the department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is nontaxable because of being a sale for resale.

82-A:8 Credits or Refunds.

I. If it shall appear that an amount of tax or penalty or interest has been paid in error under this chapter to the department by a taxpayer, as distinguished from the retailer, whether such amount was paid through a mistake of fact or an error of law, such taxpayer may file a claim for credit or refund with the department. If it shall appear that an amount of tax or penalty or interest has been paid in error to the department under this chapter by a retailer who is required or authorized to collect and remit the tax imposed by this chapter, whether such amount was paid through a mistake of fact or an error of law, such retailer may file a claim for credit or refund with the department, provided that no credit or refund shall be allowed for any amount paid by any such retailer unless it shall appear that he bore the burden of such amount and did not shift the burden thereof to anyone else, or unless it shall appear that he or his legal representative has unconditionally repaid such amount to his customer:

(a) Who bore the burden thereof and has not shifted such burden directly or indirectly in any manner whatsoever; or

(b) Who, if he shifted such burden, has repaid unconditionally such amount to his own customer; and

(c) Who is not entitled to receive any reimbursement therefor from any other source than from his retailer, nor to be relieved of such burden in any other manner whatsoever.

II. If it is determined that the department should issue a credit or refund under this chapter, the department may first apply the amount thereof against any amount of tax or penalty or interest due hereunder from the person entitled to such credit or refund. For this purpose, if proceedings are pending to determine whether or not any tax or penalty or interest is due under this chapter from such person, the department may withhold issuance of the credit or refund pending the final disposition of such proceedings and may apply such credit or refund against any amount found to be due to the department as a result of such proceedings. The balance, if any, of the credit or refund shall be issued to the person entitled thereto.

III. If no tax or penalty or interest is due and no proceeding is pending to determine whether such person is indebted to the department for tax or penalty or interest, the credit memorandum or refund shall be issued to the claimant; or, (in the case of a credit memorandum), the credit memorandum may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the department, to any other person who is subject to this chapter, and the amount thereof shall be applied by the department against any tax or penalty or interest due or to become due under this chapter from such assignee.

IV. As to any claim for credit or refund filed with the department on or after each January 1 and July 1, no amounts erroneously paid more than 3 years prior to such January 1 and July 1, respectively, shall be credited or refunded.

V. Claims for credit or refund shall be filed upon forms provided by the department. As soon as practicable after any claim for credit or refund is filed, the department shall examine the same and determine the amount of credit or refund to which the claimant is entitled and shall notify the claimant of such determination, which amount shall be prima facie correct.

VI. Any credit or refund that is allowed under this chapter shall bear interest at the rate provided by statute.

VII. In case the department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the department by rules adopted under RSA 541-A shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

82-A:9 Books, Records, Papers and Other Documents.

I. Every retailer maintaining a place of business in this state or required to file or actually filing in this state under this chapter and every taxpayer making direct tax payments to the department under this chapter shall keep books, records, papers and other documents which are adequate to reflect the information required by RSA 82-A:5 and 6 to be reported to the department by filing timely returns with the department. All books and records and other papers and documents required to be kept by this chapter shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the department or its duly authorized agents and employees.

II. The retailer may, upon written authorization of the commissioner, destroy any returns or records, papers or memoranda pertaining to such returns upon the expiration of any period covered by such returns with respect to which the department is authorized to establish liability.

82-A:10 Investigations and Hearings. For the purpose of administering and enforcing the provisions of this chapter, the department or any officer or employee of the department designated by the commissioner thereof, may hold investigations and hearings concerning any matters covered by this chapter and may examine any books, papers, records or memoranda bearing upon the business transacted or purchased by any such retailer or taxpayer and may require the attendance of such retailer or taxpayer or any officer or employee of such, or of any person having knowledge of such business, and may take testimony and require proof of its information. In the conduct of any investigation or hearing, neither the department nor any officer or employee thereof shall be bound by the technical rules of evidence, and no informality in any proceeding, or in the manner of taking testimony, shall invalidate any order, decision, or rule made or approved or confirmed by the department. The commissioner or any officer or employee thereof shall have power to administer oaths to any such persons. The books, papers, records and memoranda of the department, or parts thereof, may be provided in any hearing, investigation or legal proceeding by a reproduced copy thereof under the certificate of the commissioner. Such reproduced copy shall, without further proof, be admitted into evidence before the department or in any legal proceeding.

82-A:11 Testimony in Investigations and Hearings. No person shall be excused from testifying or from producing any books, papers, records or memoranda in any investigation or upon any hearing, when ordered to do so by the department or any officer or employee thereof, upon the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to criminal penalty, but no person shall be prosecuted or subjected to any criminal penalty for, or on account of, any transaction made or thing concerning which he may testify or produce evidence, documentary or otherwise, before the department or any officer or em-

ployee thereof; provided that such immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. No person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

82-A:12 Administration. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to him. The provisions of RSA 80:26 apply the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

82-A:13 Administration; Rulemaking; Proceedings.

I. The commissioner shall collect the taxes imposed under this chapter and interest, additions to tax and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the telecommunications excise tax; and

(b) The recovery of any tax imposed by RSA 82-A, interest on tax, or penalties.

III. Whenever notice to a retailer or taxpayer is required by this chapter, such notice shall be personally served or given by United States certified or registered mail, addressed to the retailer or taxpayer concerned at his last known address, and proof of such mailing shall be sufficient for the purposes of this chapter. In the case of a notice of hearing, such notice shall be mailed not less than 7 days prior to the date fixed for the hearing.

IV. All administrative hearings provided for in this chapter with respect to a retailer or taxpayer having his principal place of business in any of the several counties of this state shall be held at the department.

V. Whenever any proceeding provided by the chapter has been begun by the department or by a person subject thereto and such person thereafter dies or becomes a person under legal disability before the proceeding has been concluded, the legal representative of the deceased person or person under legal disability shall notify the department of such death or legal disability. The legal representative, as such, shall then be substituted by the department in place of and for the person. Within 20 days after notice to the legal representative of the time fixed for that purpose, the proceeding may proceed in all respects and with like effect as though the person had not died or become a person under legal disability.

82-A:14 Violations. Any retailer or taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this chapter or any rule of the department for the administration and enforcement of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

82-A:15 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this chapter are severable.

9 Credit Against Telecommunications Excise Tax. For the tax period in which both the telephone and telegraph tax under RSA 82 and the telecommunications excise tax under RSA 82-A are both in effect, corporations and companies paying both taxes shall be entitled to a credit against the telecommunications excise tax of 75 percent of the tax paid under RSA 82. Any unused credit may be carried forward by such corporations or companies, but shall expire on December 31, 1991.

10 Application; Telephone and Telegraph Tax. Upon the repeal for any reason of the telecommunications excise tax as inserted by section 8 of this act, the provisions of RSA 21-J:9, I(e); RSA 82:2; RSA 82:12; RSA 82:36; RSA 82:37; and the title of chapter RSA 82; shall have full force and effect according to their provisions as they existed on March 1, 1990, and prior to their amendment by and due to the passage of this act.

11 Application; Rate of Tax for Biennium. For the period beginning April 1, 1990, and ending June 30, 1991, there is imposed a surcharge of 66 2/3 percent on the tax imposed under RSA 82-A:2 and 82-A:3 on the gross charge for telecommunications purchased at retail from a retailer.

12 Supplemental Appropriation; Department of Revenue Administration. The following sums are hereby appropriated to PAU 01, 07, 02, 01:

| | Fiscal Year 1990 | Fiscal Year 1991 |
|------------------------|------------------------|------------------------|
| 10 Personal services | \$ 5,909 | \$48,745 |
| 20 Current expenses | 9,490 | 23,600 |
| 30 Equipment | 19,029 | 3,577 |
| 60 Benefits | 1,643 | 13,551 |
| 70 In-state travel | 500 | 1,500 |
| 80 Out-of-state travel | 1,000 | 6,500 |
| Total | \$37,571 | \$97,473 |

13 Effective Date.

- I. Section 12 of this act shall take effect upon its passage.
- II. Sections 1 and 8-11 of this act shall take effect April 1, 1990.
- III. Sections 2-7 of this act shall take effect March 31, 1991.

AMENDED ANALYSIS

This bill imposes a 3 percent telecommunications excise tax. The tax is imposed upon the act of originating in this state or receiving in this state interstate telecommunications by a person in this state. The excise tax is based upon a percent of the gross charge for telecommunications purchased at retail from a retailer.

The bill also imposes a surcharge of 66 2/3 percent on the tax imposed for the period beginning April 1, 1990, and ending June 30, 1991.

The bill makes an appropriation to the department of revenue administration to pay the costs of administering the tax.

Rep. Cowenhaven and Kurk spoke in favor of the amendment and yielded to questions.

Rep. Gross spoke in favor of the amendment.

Rep. David Young spoke against the amendment.

A roll call was called for. Sufficiently seconded.

YEAS 137**NAYS 212****YEAS 137
BELKNAP**

Campbell, Richard H., Jr.
Holbrook, Robert G.
Vogler, Charles C.

Hardy, Earle D.
Randall, Kenneth A.

Hawkins, Robert S.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hunt, John B.
Perry, David M.

Cole, Stacey W.
Gordon, Irvin H.
Metzger, Katherine H.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Pearson, Gertrude B.

COOS

Burns, Harold W.
Horton, Lynn C.

Dumont, Robert E.
Marsh, Beaton

Guay, Lawrence J.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Driscoll, William J.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Brown, Channing T.
LaMott, Paul I.
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Dyer, Merton S.
Goulet, Maurice E.
Harlan, Susan N.
Knight, Alice Tirrell
Mason, Howard F.
Packard, Bonnie B.
Record, Alice Barnard
Schneiderat, Catherine
Stiles, Walter A.
Upton, Barbara Allen

Amidon, Eleanor H.
Cowenhoven, Garret P.
Ford, Nancy M.
Grip, Robert H.
Keefe, Edmund M.
Kress, Gloria W.
McCann, Bonnie Lou
Pappas, Toni
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Barry, Vivian
Culbert, Patrick
Frank, Nancy G.
Gureckis, Adam C., Sr.
Klose, John F.
Kurk, Neal M.
McNerney, Daniel P.
Perham, Lester R.
Sallada, Roland A.
Steiner, Lee Anne
Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Bardsley, Elizabeth S.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.

Boucher, Laurent J.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Whittemore, James A.

Fraser, Leo W., Jr.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.

ROCKINGHAM

Benton, Richardson D.
Flanders, Harry E.

Buco, Stephen
Flanders, John W., Sr.

Flanagan, Natalie S.
Gage, Thomas U.

Greene, Elizabeth A.
King, Roger C.
McCain, William F.
Roulston, Donald L.
Sochalski, Matthew M.
Vartanian, Elsie

Johnson, Robert A.
Klemm, Arthur P., Jr.
Parr, Ednapearl F.
Sherburne, John L.
Sytek, Donna
Weyler, Kenneth L.

Katsakiores, George N.
MacDonald, Maurice B.
Parsons, Robert F.
Skinner, Patricia M.
Tufts, J. Arthur

STRAFFORD

Appleby, James E.
Parks, Joe B.
Torr, Ann M.

Kinney, Paula J.
Pelley, Janet R.

Martling, W. Kent
Stewart, Glenn W.

SULLIVAN

Behrens, Thomas A.
Middleton, John A.

Flint, Gordon B.
Rodeschin, Beverly T.

Hinrichsen, Keith
Schotanus, Merle W.

NAYS 212 BELKNAP

Bolduc, Dennis R.
Pearson, Ralph W.
Salatiello, Thomas

Golden, Paul A.
Richardson, Lawrence
Ziegra, Alice S.

Maviglio, Steven R.
Rosen, Ralph J.

CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
LaMar, David M.
Morse, Jo-Ann T.
Spear, Susan

Blacketor, Paul G.
Foster, Katherine Davis
Laurent, John J.
Pierce, David A.
Young, David A.

Cole, Kenneth A.
Hill, Douglas E.
Matson, William R.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Lemire, George
Oleson, Otto H.

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Woodburn, Jeffery R.

Kilbride, Dennis J.
Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Stewart, Roger

Bennett, Shirley M.
Dow, David
Markley, J. Keith
White, Paul R.

Chambers, Mary P.
Guest, Robert H.
Nordgren, Sharon

HILLSBOROUGH

Alukonis, David J.
Barry, Janet Gail
Burkush, Peter
Desrochers, Gerard T.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Emerton, Lawrence
Foote, Herbert N., Sr.
Green, Scott E.

Andrews, Frederick B.
Bourque, Ann J.
Cote, David E.
Desrosiers, William J.
Domaingue, Jacquelyn
Drolet, Paul L.
Dykstra, Leona
Fields, Dennis H.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.

Baldizar, Barbara J.
Bowers, Dorothy C.
Daigle, Robert Arthur
Dionne, Paul R.
Donovan, Francis X.
Dube, Ellen C.
Elliott, Larry G.
Flood, Jacqueline J.
Gerow, Sezen M.
Hall, Betty B.

Hanselman, Gregory L.
 Hunter, Bruce F.
 Jenkins, Mary
 King, John A.
 Lawrence, Norman B.
 Lozeau, Donnalee
 Messier, Irene M.
 Murphy, Robert E.
 Paquette, Rodolphe G.
 Reidy, Frank J.
 Rodgers, G. Philip
 Toomey, Daniel
 Wright, George W.

Healy, Daniel J.
 Jasper, Shawn N.
 Johnson, Lionel W.
 Lachut, Ervin R.
 Leclerc, Charles J.
 McDowell, James E.
 Moore, Elizabeth A.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Rheault, Lillian I.
 Smith, Leonard A.
 Turgeon, Roland M.

Hultgren, David D.
 Jean, Romeo W.
 Kelley, Robert N.
 Lawrence, Eva M.
 Lown, Elizabeth
 McRae, Karen
 Morrisette, Roland
 Ouellette, Robert O.
 Prestipino, Bartolo V.
 Riley, Frances L.
 Spaloss, Henry F.
 Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
 Bennett, J. Allen
 Daneault, Gabriel
 Fillion, Paul R.
 Jacobson, Alf E.
 Shaw, Randall F.
 Stio, Peter M.

Barberia, Richard A.
 Braiterman, Thea
 Dunn, Miriam
 Gilbreth, Robert M.
 Pantzer, Eugene
 Smith, Gerald R.
 Teague, Bert

Beaton, Nancy
 Carter, Susan D.
 Fair, Patricia A.
 Hall, Douglas E.
 Provencal, Leo A.
 Soldati, Jennifer
 Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William Paul
 Campbell, Eunice M.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Ford, Bert H.
 Haynes, Richard L.
 Hollingworth, Beverly A.
 Katsakiores, Phyllis
 MacDonald, Joseph A.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Palazzo, Frank J., Sr.
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Seward, Russell G.
 Vaughn, Charles L.
 Welch, David A.

Bell, Juanita
 Brown, Jeffrey M.
 Campbell, Marilyn R.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Gage, Beverly A.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Pantelakos, Laura C.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Simon, Peter M.
 Warburton, Calvin
 Wells, Henry E.

Blanchard, MaryAnn N.
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCarthy, John James, Jr.
 Micklon, Stephanie K.
 Popov, Elizabeth M.
 Ritzo, Eugene
 Senter, Marilyn P.
 Splaine, John E., Sr.
 Weddle, Michael Rodney
 Wright, David B.

STRAFFORD

Bernard, Mary E.
 Dionne, Albert J.
 Frechette, Roland A.
 Lachance, Douglas
 Merrill, Amanda

Bickford, Drucilla
 Flynn, Anita A.
 Gilmore, Gary
 Marston, Robert E.
 O'Brien, John

Brown, Julie M.
 Flynn, Edward J.
 Keans, Sandra Balomenos
 McCann, William H., Jr.
 Scharff, Thomas Edward

Spencer, Leo J.
Torr, Ralph W.
Wheeler, Katherine Wells

Sullivan, Henry P.
Tsiros, William
Young, John B.

Swope, Warren L.
Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe
MacAskill, Kenneth M.,
and the amendment lost.

Domini, Irene C.

Krueger, Richard H.

Rep. Pignatelli abstained from voting under Rule 16.

Rep. Sytek moved that HB 1390 be recommitted to the Committee on Ways and Means.

Rep. Blacketor spoke against the motion and yielded to questions.

Reps. LaMar, Ward and Kidder spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 213

NAYS 134

YEAS 213 BELKNAP

Campbell, Richard H., Jr.
Holbrook, Robert G.
Randall, Kenneth A.
Ziegra, Alice S.

Hardy, Earle D.
Maviglio, Steven R.
Turner, Robert H.

Hawkins, Robert S.
Pearson, Ralph W.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hunt, John B.
Metzger, Katherine H.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Pearson, Gertrude B.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Perry, David M.

COOS

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine

GRAFTON

Adams, Carl S.
Driscoll, William J.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Brown, Channing T.
LaMott, Paul I.
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Cowenhoven, Garret P.
Dodge, Emma M.

Amidon, Eleanor H.
Bicknell, Robert C.
Culbert, Patrick
Donovan, Francis X.

Andrews, Frederick B.
Bowers, Dorothy C.
Desrosiers, William J.
Drolet, Paul L.

Dube, Ellen C.
 Flood, Jacqueline J.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Jasper, Shawn N.
 Klose, John F.
 Kurk, Neal M.
 Lozeau, DonnaLee
 McNerney, Daniel P.
 Packard, Bonnie B.
 Perham, Lester R.
 Rheault, Lillian I.
 Sallada, Roland A.
 Steiner, Lee Anne
 Tyree, Paul M.
 Wihby, Linda S.

Dyer, Merton S.
 Ford, Nancy M.
 Green, Scott E.
 Harlan, Susan N.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 Mason, Howard F.
 Messier, Irene M.
 Pappas, Toni
 Prestipino, Bartolo V.
 Robinson, Ellen-Ann
 Schneiderat, Catherine
 Stiles, Walter A.
 Upton, Barbara Allen

Fields, Dennis H.
 Frank, Nancy G.
 Grip, Robert H.
 Healy, Daniel J.
 Kelley, Robert N.
 Kress, Gloria W.
 Lown, Elizabeth
 McCann, Bonnie Lou
 Murphy, Robert E.
 Paquette, Rodolphe G.
 Record, Alice Barnard
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

MERRIMACK

Bardsley, Elizabeth S.
 Fair, Patricia A.
 Gross, Caroline L.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Teague, Bert

Boucher, Laurent J.
 Fillion, Paul R.
 Hager, Elizabeth
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene
 Shaw, Randall F.
 Whittemore, James A.

Carter, Susan D.
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Stio, Peter M.

ROCKINGHAM

Benton, Richardson D.
 Buco, Stephen
 Chase, Lawrence A., Jr.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 Malcolm, Kenneth W.
 Parr, Ednapearl F.
 Roulston, Donald L.
 Sherburne, John L.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wells, Henry E.

Boucher, William Paul
 Campbell, Eunice M.
 Conroy, Janet M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 McCain, William F.
 Parsons, Robert F.
 Senter, Marilyn P.
 Simon, Peter M.
 Sytek, Donna
 Vaughn, Charles L.
 Weyler, Kenneth L.

Brown, Lewis W.
 Campbell, Marilyn R.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Gage, Beverly A.
 Haynes, Richard L.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCarthy, John James, Jr.
 Popov, Elizabeth M.
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.

STRAFFORD

Appleby, James E.
 Flynn, Anita A.
 Martling, W. Kent

Bernard, Mary E.
 Flynn, Edward J.
 Parks, Joe B.

Bickford, Drucilla
 Kinney, Paula J.
 Pelley, Janet R.

Stewart, Glenn W.
Young, John B.

Sullivan, Henry P.

Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
Middleton, John A.

Burling, Peter Hoe
Hinrichsen, Keith
Rodeschin, Beverly T.

Domini, Irene C.
Krueger, Richard H.
Schotanus, Merle W.

NAYS 134 BELKNAP

Golden, Paul A.
Salatiello, Thomas

Richardson, Lawrence

Rosen, Ralph J.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
Matson, William R.
Pratt, Irene A.

Blacketor, Paul G.
Foster, Katherine Davis
Morse, Jo-Ann T.
Spear, Susan

Cole, Kenneth A.
Hill, Douglas E.
Pierce, David A.
Young, David A.

COOS

Brungot, Catherine V.

Oleson, Otto H.

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Stewart, Roger

Bennett, Shirley M.
Dow, David
Markley, J. Keith
White, Paul R.

Chambers, Mary P.
Guest, Robert H.
Nordgren, Sharon

HILLSBOROUGH

Alukonis, David J.
Bourque, Ann J.
Daigle, Robert Arthur
Domaigne, Jacquelyn
Dykstra, Leona
Foote, Herbert N., Sr.
Haettenschwiller, A. A.
Hultgren, David D.
Jenkins, Mary
Lawrence, Eva M.
McDowell, James E.
Morrisette, Roland
Pepino, Leo P.
Smith, Leonard A.
Turgeon, Roland M.

Baldizar, Barbara J.
Burkush, Peter
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Elliott, Larry G.
Gagnon, Gabrielle V.
Hall, Betty B.
Hunter, Bruce F.
Johnson, Lionel W.
Lawrence, Norman B.
McRae, Karen
O'Rourke, JoAnne A.
Reidy, Frank J.
Spaloss, Henry F.
Wheeler, David K.

Barry, Janet Gail
Cote, David E.
Dionne, Paul R.
Dwyer, Patricia R.
Emerton, Lawrence
Gerow, Sezen M.
Hanselman, Gregory L.
Jean, Romeo W.
King, John A.
Leclerc, Charles J.
Moore, Elizabeth A.
Ouellette, Robert O.
Riley, Frances L.
Toomey, Daniel
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Bennett, J. Allen
Dunn, Miriam
Smith, Gerald R.

Barberia, Richard A.
Braiterman, Thea
Gilbreth, Robert M.
Soldati, Jennifer

Beaton, Nancy
Daneault, Gabriel
Provencal, Leo A.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.

Bell, Juanita
Caswell, Albert, Jr.

Blanchard, MaryAnn N.
Dube, LeRoy S.

| | | |
|--------------------------|------------------------|-----------------------|
| Ford, Bert H. | Gourdeau, Raymond H. | Hoar, John, Jr. |
| Hollingworth, Beverly A. | Hynes, Carolyn E. | Kane, Cecelia D. |
| Lovejoy, Virginia K. | MacDonald, Joseph A. | MacKinnon, Nancy W. |
| Magoon, Harold F. | McGovern, Cynthia A. | McKinney, Betsy |
| Micklon, Stephanie K. | Palazzo, Frank J., Sr. | Pantelakos, Laura C. |
| Raynowska, Bernard J. | Remick, Barbara R. | Ritzo, Eugene |
| Rosencrantz, James R. | Schmidtchen, Rowland | Splaine, John E., Sr. |
| Warburton, Calvin | Weddle, Michael Rodney | Wright, David B. |

STRAFFORD

| | | |
|--------------------------|-------------------------|----------------------|
| Brown, Julie M. | Dionne, Albert J. | Frechette, Roland A. |
| Gilmore, Gary | Keans, Sandra Balomenos | Lachance, Douglas |
| McCann, William H., Jr. | Merrill, Amanda | O'Brien, John |
| Scharff, Thomas Edward | Spencer, Leo J. | Swope, Warren L. |
| Torr, Ralph W. | Tsiros, William | Vincent, Francis C. |
| Wheeler, Katherine Wells | | |

SULLIVAN

MacAskill, Kenneth M.,
and the motion was adopted.

Recommitted to Ways and Means.

Rep. Pignatelli abstained from voting under Rule 16.

HB 442-FN-A, establishing a lakes management and protection program and making an appropriation therefor. (A) **RECOMMENDED BUT TO BE LAID ON THE TABLE BECAUSE OF FUNDING.**

Given the current condition of the state budget, the Committee feels this bill should be laid on the table without the appropriation of \$50,000 required to support this new program. Vote 20-0. Rep. Merle W. Schotanus for Appropriations.

Rep. Dickinson moved that the words, Ought to Pass with Amendment be substituted for the Committee report, Recommended but to be Laid on the Table because not Funded, and spoke to his motion.

Rep. Hager spoke in favor of the motion and yielded to questions.

Motion adopted.

Rep. Dickinson offered an amendment.

Amendment

Amend the bill by deleting section 4 and renumbering sections 5 - 7 to read as 4 - 6, respectively.

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a lakes management and protection program.

AMENDED ANALYSIS

This bill establishes a New Hampshire lakes management and protection program similar to the rivers management and protection program.

The department of environmental services shall administer the program.

The bill also requires the recommendation of the rivers management advisory committee prior to the disposal by the state of state-owned property by a river.

Amendment adopted.

Ordered to third reading.

HB 1297-FN, establishing a committee to study meeting scheduling for the house of representatives. **INEXPEDIENT TO LEGISLATE.**

The legislative process and schedule that we presently operate with is one that has evolved over 200 years of experience. This process is the one that, through constant review and amendment, has been determined to best serve the state and its people. The purpose of the Legislature is to do the people's business for the good of our state, not to be in session when it is convenient for the members. A study committee of legislators and special interest groups is not necessary when 400 citizen legislators review the process annually. Vote 15-2. Rep. James D. Phelps for Legislative Administration.

Rep. Burns moved that HB 1297 be made a Special Order for Tuesday, February 6. Motion adopted

HB 1317, relative to a feasibility study for a monorail system at Hampton Beach. **INEXPEDIENT TO LEGISLATE.**

The Committee feels that the merits of the bill are fine and probably bear further study; but the bill calls for the Public Works Committee to determine the feasibility of persuading the private sector to construct a monorail system at Hampton Beach. The Committee feels more study and work needs to be done by the private sector and then come back to the Legislature with more specifics. Increased development and overcrowding were also concerns expressed by the Committee. Vote 14-0. Rep. Gene G. Chandler for Public Works.

Rep. Burns moved that HB 1317 be made a Special Order for Tuesday, February 6, 1990.

Motion adopted

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 6 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 95-FN, relative to eligibility criteria for AFDC recipients.

HB 442-FN-A, establishing a lakes management and protection program.

HB 1227-FN, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect.

HB 1281-FN, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy.

HB 1315-FN, relative to child support guidelines.

HB 1073, relative to sales representatives' contracts.

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner.

HB 1372, relative to interim rules under the administrative procedure act.

HB 1140, relative to the selectmen of towns.

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements.

HB 1343-FN, establishing a study committee on private contract prison systems.

HB 1030, relative to cease and desist orders issued by the director of the division of forests and lands.

HB 1419, relative to the Monadnock advisory commission.

HB 1334-FN, relative to telephone utilities service territories.

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester.

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991.

HB 1501-FN-A, relative to state revenues and expenditures.

HB 220-FN, relative to managing tax supported state debt.

HB 390-FN-A, relative to the New Hampshire retirement system investment practices.

HB 567-FN, relative to expenditure of excess moneys by school districts.

HB 705-FN, relative to drug-free school zones and making appropriations therefor.

CACR 25, relating to the membership of the senate. Providing that the senate shall consist of 48 members.

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way.

HB 409-FN, relative to licensing professional foresters.

HB 1414, relative to committee members of the state conservation committee.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover.

HB 1016, relative to altering municipal highway classifications.

HB 1274-FN, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn.

On a division vote, 280 members having voted in the affirmative and 17 in the negative, **CACR 25** was read a third time and passed by the constitutionally-required three-fifths vote.

Adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Gross moved that the House reconsider its action whereby it passed **HB 1500**, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991, and **HB 1501**, relative to state revenues and expenditures, and spoke against her motion.

Reps. Stacey Cole and Domainque spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 114

NAYS 231

YEAS 114 BELKNAP

Hawkins, Robert S.
Salatiello, Thomas

Richardson, Lawrence

Rosen, Ralph J.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
LaMar, David M.
Pierce, David A.
Young, David A.

Blacketor, Paul G.
Foster, Katherine Davis
Laurent, John J.
Pratt, Irene A.

Cole, Kenneth A.
Hunt, John B.
Matson, William R.
Spear, Susan

COOS

Lemire, George
Woodburn, Jeffrey R.

Mayhew, Josephine

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Markley, J. Keith

Bennett, Shirley M.
Dow, David
Nordgren, Sharon

Chambers, Mary P.
Guest, Robert H.

HILLSBOROUGH

Alukonis, David J.
Bourque, Ann J.
Culbert, Patrick
Drabinowicz, A. Theresa
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hanselman, Gregory L.
Jean, Romeo W.
King, John A.
Lawrence, Norman B.
McDowell, James E.
Morrissette, Roland
Ouellette, Robert O.
Spaloss, Henry F.
Wheeler, David K.

Baldizar, Barbara J.
Burkush, Peter
Desrochers, Gerard T.
Dwyer, Patricia R.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Hultgren, David D.
Jenkins, Mary
Kress, Gloria W.
Leclerc, Charles J.
McNerney, Daniel P.
Murphy, Robert E.
Pignatelli, Debora B.
Turgeon, Roland M.
Wright, George W.

Barry, Vivian
Cote, David E.
Domaingue, Jacquelyn
Dykstra, Leona
Foote, Herbert N., Sr.
Gerow, Sezen M.
Hall, Betty B.
Jasper, Shawn N.
Johnson, Lionel W.
Kurk, Neal M.
Lozeau, Donnalee
McRae, Karen
O'Rourke, JoAnne A.
Riley, Frances L.
Tyree, Paul M.

MERRIMACK

Beaton, Nancy
Dunn, Miriam
Soldati, Jennifer

Bennett, J. Allen
Gilbreth, Robert M.
Trombly, Rick A.

Daneault, Gabriel
Jacobson, Alf E.

ROCKINGHAM

Anderson, Carl F., III
Fesh, Robert M.
Hollingworth, Beverly A.
MacDonald, Joseph A.
Popov, Elizabeth M.
Vaughn, Charles L.

Bell, Juanita
Gourdeau, Raymond H.
Hynes, Carolyn E.
McGovern, Cynthia A.
Remick, Barbara R.
Weddle, Michael Rodney

Dube, LeRoy S.
Hoelzel, Kathleen M.
Kane, Cecelia D.
Pantelakos, Laura C.
Rosencrantz, James R.

STRAFFORD

Brown, Julie M.
Gilmore, Gary
Merrill, Amanda
Spencer, Leo J.

Dionne, Albert J.
Lachance, Douglas
O'Brien, John
Vincent, Francis C.

Frechette, Roland A.
McCann, William H., Jr.
Scharff, Thomas Edward
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe

NAYS 231**BELKNAP**

Campbell, Richard H., Jr.
Holbrook, Robert G.

Golden, Paul A.
Maviglio, Steven R.

Hardy, Earle D.
Pearson, Ralph W.

Randall, Kenneth A.
Ziegra, Alice S.

Turner, Robert H.

Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Gordon, Irvin H.
Metzger, Katherine H.
Perry, David M.

Crutchley, Donald O.
Grodin, Richard A.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Delano, Robert F.
Hill, Douglas E.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Hill, Richard L.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
LaMott, Paul I.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Bowers, Dorothy C.
Desrosiers, William J.
Donovan, Francis X.
Dyer, Merton S.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Hunter, Bruce F.
Klose, John F.
Lawrence, Eva M.
McCann, Bonnie Lou
Packard, Bonnie B.
Pepino, Leo P.
Record, Alice Barnard
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Toomey, Daniel
Wihby, Linda S.

Andrews, Frederick B.
Cowenhoven, Garret P.
Dionne, Paul R.
Drolet, Paul L.
Emerton, Lawrence
Goulet, Maurice E.
Harlan, Susan N.
Keefe, Edmund M.
Knight, Alice Tirrell
Lown, Elizabeth
Messier, Irene M.
Pappas, Toni
Perham, Lester R.
Reidy, Frank J.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara Allen

Bicknell, Robert C.
Daigle, Robert Arthur
Dodge, Emma M.
Dube, Ellen C.
Fields, Dennis H.
Grip, Robert H.
Healy, Daniel J.
Kelley, Robert N.
Lachut, Ervin R.
Mason, Howard F.
Moore, Elizabeth A.
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.

Barberia, Richard A.
Braiterman, Thea

Bardsley, Elizabeth S.
Carter, Susan D.

Fair, Patricia A.
Gross, Caroline L.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Provencal, Leo A.
Stio, Peter M.

Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert

Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Smith, Gerald R.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Brown, Jeffrey M.
Campbell, Eunice M.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
Malcolm, Kenneth W.
McKinney, Betsy
Parr, Ednappearl F.
Ritzo, Eugene
Senter, Marilyn P.
Simon, Peter M.
Splaine, John E., Sr.
Vartanian, Elsie
Wells, Henry E.

Blanchard, MaryAnn N.
Brown, Lewis W.
Campbell, Marilyn R.
Conroy, Janet M.
Flanagan, Natalie S.
Ford, Bert H.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Mace, Ada L.
McCain, William F.
Micklon, Stephanie K.
Parsons, Robert F.
Roulston, Donald L.
Seward, Russell G.
Skinner, Patricia M.
Sytek, Donna
Warburton, Calvin
Weyler, Kenneth L.

Boucher, William Paul
Buco, Stephen
Caswell, Albert, Jr.
Cote, Patricia L.
Flanders, Harry E.
Gage, Beverly A.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Magoon, Harold F.
McCarthy, John James, Jr.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Tufts, J. Arthur
Welch, David A.
Wright, David B.

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Kinney, Paula J.
Pelley, Janet R.
Swope, Warren L.
Tsiros, William

Bernard, Mary E.
Flynn, Edward J.
Martling, W. Kent
Stewart, Glenn W.
Torr, Ann M.
Young, John B.

Bickford, Drucilla
Keans, Sandra Balomenos
Parks, Joe B.
Sullivan, Henry P.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
and the motion lost.

Domini, Irene C.
Krueger, Richard H.
Rodeschin, Beverly T.

Flint, Gordon B.
MacAskill, Kenneth M.
Schotanus, Merle W.

SENATE MESSAGE REQUESTS CONCURRENCE

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 360 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies. (Science, Technology and Energy)

SUSPENSION OF RULES

Rep. Hager moved that the Rules be so far suspended as to permit the Committee on Appropriations to hold public hearings without the required notice on HB 1394, relative to the election of optional retirement allowances; and HB 1326, relative to the sale or lease of certain institutional lands.

Adopted by the necessary two-thirds.

Rep. Kidder moved that the House adjourn.

Adopted.

The House adjourned at 6:10 p.m.

HOUSE JOURNAL No. 9

Tuesday, February 6, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend John Lombard, First Congregational Church of Portsmouth, guest of Rep. Lawrence Chase.

Gracious God, who, in Your infinite wisdom, created this good earth, indeed, have blessed us with this lovely place we have come to call New Hampshire. Behold this great deliberative body gathered to consider the needs, the health, and the welfare of the citizens of this beloved state. We pray this day that Your spirit might move among these dedicated citizen legislators and state leaders, that their words and their actions might reflect the best purposes You have for Your people. In their drive to be good stewards of limited resources, keep among them a generous attitude to the least fortunate and most needy. In their efforts to meet the demands and challenges of the majority of the people, make them not forget the marginalized, the struggling, the despairing, and the sustaining solutions to complex issues, let them be passionate for the quality of life, forthright in upholding what is good and true, and relentless in lifting before You and the citizenry of this state the high vision, grounded in worthy ideals, of what we in New Hampshire can become.

May all those in positions of authority this day exercise their power and governance responsibly, reflecting wisely, performing justly, and acting out of a pure conscience. Grant them wisdom and insight, courage and high resolve that in all matters, O God, Your will might be done. This we ask in Your name. Amen.

Rep. Densmore led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. A. Gibb Dodge, Eaton, Kincaid, Pratt, Sanderson, Soucy, Wall and Willard Young, the day, illness.

Reps. Ballou, Lionel Boucher, Bourque, Callaghan, William Desrosiers, Drake, Olimpio, Wallner and West, the day, important business.

INTRODUCTION OF GUESTS

Steve L'Heureux, guest of Rep. Pfaff; Dr. Madeline Daniels, Founder/Director of Spectrum Cross Cultural Institute for Youth in East Kingston, guest of Rep. Ouellette; Dan Waxman of Portland, Maine, David Lee of Tamworth and Dick Hamilton of Litterton, guests of Rep. Avery and Michael Waller of Groton, New Hampshire, guest of Rep. David Dow.

Rep. Chambers offered the following:

HOUSE RESOLUTION NO. 56

honoring Kathleen Kelleher

WHEREAS, a gentlewoman is defined as one of gentle and refined manner; a well-bred woman of character and fine feelings, and

WHEREAS, in the collective opinion of her family, her friends, and her colleagues, Kathleen Kelleher is a woman who epitomizes that definition, and

WHEREAS, being a resident of Stoughton, Massachusetts, Kathleen Kelleher is a senior at Dartmouth College in Hanover, New Hampshire and recently was named recipient of the institution's prestigious Doctor's Award, and

WHEREAS, Kathleen Kelleher is considered by all who have crossed her path to be an outstanding young woman who has repeatedly demonstrated great academic competence and a high degree of leadership, and

WHEREAS, having been blessed with a strong sense of community spirit and abundant generosity, Kathleen Kelleher, throughout her four years as an undergraduate, has served her fellow man in numerous ways including as a member of the Big Sister Program and as a tutor at two correctional facilities, and

WHEREAS, additionally, Kathleen Kelleher generously has donated her services for blood pressure screening, for alcohol counseling and referral, for charitable fund-raising, and for assisting at hostels for families in need, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Kathleen Kelleher be recognized and lauded for her exemplary and outstanding service to the community and to the student body, and be it further

RESOLVED, that Kathleen Kelleher be applauded for her altruistic efforts to make life a little bit more comfortable for those who are less fortunate, and that a suitable copy of this Resolution be prepared for presentation to her.

Adopted unanimously.

The Speaker and the Minority Leader, Rep. Chambers, presented Kathleen Kelleher with the resolution and she addressed the House briefly.

SENATE MESSAGES NONCONCURRENCE

HB 250-FN, relative to the classified personnel system.

HB 350-FN, relative to the unclassified personnel system and making an appropriation for a consultant fee.

CONCURRENCE

HB 108-FN, licensing massage practitioners and massage establishments.

HB 563, relative to land surveyors and condominiums.

HB 674-FN, relative to the Catastrophic Aid Act.

REQUESTS CONCURRENCE

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages.

SB 332, relative to electing zoning board of adjustment members.

SB 334-FN, allowing the town of Ellsworth to establish a school district.

SB 336, relative to the statute of limitations on prosecutions for bad checks.

SB 353-FN, requiring state agencies to purchase recycled paper products.

SB 355-FN, relative to regional vocational education.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system.

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions.

SB 389, relative to non-privileged communications in marital mediation proceedings.

SB 390, relative to laws regarding abuse and neglect of children.

SB 403-FN, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

SB 410-FN, relative to display of materials which are harmful to minors.

SCR 1, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 329, 332, 334, 336, 353, 355, 377, 380, 387, 389, 390, 403, 410 and SCR 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages. (Regulated Revenues)

SB 332, relative to electing zoning board of adjustment members. (Municipal and County Government)

SB 334-FN, allowing the town of Ellsworth to establish a school district. (Education)

SB 336, relative to the statute of limitations on prosecutions for bad checks. (Commerce, Small Business and Consumer Affairs)

SB 353-FN, requiring state agencies to purchase recycled paper products. (Environment and Agriculture)

SB 355-FN, relative to regional vocational education. (Education)

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system. (Executive Departments and Administration)

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists. (Executive Departments and Administration)

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions. (Commerce, Small Business and Consumer Affairs)

SB 389, relative to non-privileged communications in marital mediation proceedings. (Judiciary)

SB 390, relative to laws regarding abuse and neglect of children. (Children, Youth and Juvenile Justice)

SB 403-FN, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables. (Commerce, Small Business and Consumer Affairs)

SB 410-FN, relative to display of materials which are harmful to minors. (Judiciary)

SCR 1, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools. (Education)

REVENUE REPORT

Presentation by Ways and Means Committee on Revenue Estimates and recommended revenue bills.

Reps. Sytek, Phelps and Gross addressed the House.

**STATE OF NEW HAMPSHIRE
WAYS AND MEANS COMMITTEE REPORT TO THE HOUSE OF REPRESENTATIVES
REVISED ESTIMATES OF UNRESTRICTED REVENUES BY FUND SOURCE**

RYSET98
LBAC
02/02/90

| | FY 1989 ACTUAL | FY 1990 OFFICIAL ESTIMATE | FY 1990 WAYS & MEANS REVISED ESTIMATE | INCREASE (DECREASE) | FY 1991 OFFICIAL ESTIMATE | FY 1991 WAYS & MEANS REVISED ESTIMATE | INCREASE (DECREASE) |
|----------------------------|-------------------|---------------------------------|--|------------------------|---------------------------------|--|------------------------|
| GENERAL FUND | | | | | | | |
| Beer | 12,110,244 | 12,600,000 | 12,000,000 | (600,000) | 12,600,000 | 12,000,000 | (600,000) |
| Board and Care | 14,668,795 | 15,000,000 | 15,000,000 | | 15,000,000 | 15,000,000 | |
| Business Profits Tax | 143,260,560 | 149,675,000 | 110,000,000 | (39,675,000) | 158,700,000 | 116,000,000 | (42,700,000) |
| Estate and Legacy Taxes | 30,353,772 | 32,400,000 | 28,000,000 | (4,400,000) | 34,800,000 | 28,000,000 | (6,800,000) |
| Insurance | 41,407,263 | 46,000,000 | 43,000,000 | (3,000,000) | 50,000,000 | 45,000,000 | (5,000,000) |
| Interest and Dividends Tax | 36,025,367 | 41,000,000 | 38,000,000 | (3,000,000) | 43,450,000 | 40,000,000 | (3,450,000) |
| Liquor | 51,969,020 | 55,925,000 | 55,925,000 | | 57,925,000 | 57,925,000 | |
| Meals and Rooms Taxes | 81,809,293 | 87,000,000 | 83,000,000 | (4,000,000) | 92,500,000 | 84,660,000 | (7,840,000) |
| Parks Income | 5,959,757 | 6,000,000 | 6,500,000 | 500,000 | 6,000,000 | 6,500,000 | 500,000 |
| Dog Racing | 8,304,202 | 8,325,000 | 7,725,000 | (600,000) | 8,325,000 | 7,725,000 | (600,000) |
| Horse Racing | 2,257,587 | 2,625,000 | 3,225,000 | 600,000 | 2,625,000 | 4,225,000 | 1,600,000 |
| Real Estate Transfer Tax | 29,678,819 | 44,025,000 | 29,000,000 | (15,025,000) | 44,750,000 | 29,000,000 | (15,750,000) |
| Telephone | 9,509,996 | 10,500,000 | 12,000,000 | 1,500,000 | 11,000,000 | 13,000,000 | 2,000,000 |
| Cigarette Tax | 31,466,260 | 35,500,000 | 37,500,000 | 2,000,000 | 35,500,000 | 36,750,000 | 1,250,000 |
| Utilities | 8,382,680 | 8,500,000 | 9,000,000 | 500,000 | 9,000,000 | 9,500,000 | 500,000 |
| Other | 32,660,970 | 38,600,000 | 37,300,000 | (1,300,000) | 37,975,000 | 37,975,000 | |
| Courts | 20,246,004 | 29,875,000 | 22,000,000 | (7,875,000) | 33,400,000 | 23,650,000 | (9,750,000) |
| Savings Bank Tax | 10,778,486 | 11,000,000 | 12,500,000 | 1,500,000 | 12,000,000 | 13,000,000 | 1,000,000 |
| Total | 570,849,075 | 634,550,000 | 561,675,000 | (72,875,000) | 665,550,000 | 579,910,000 | (85,640,000) |
| HIGHWAY FUND | | | | | | | |
| Gasoline Road Toll | 87,657,347 | 91,600,000 | 80,800,000 | (10,800,000) | 95,200,000 | 80,500,000 | (14,700,000) |
| Motor Vehicle Fees | 48,897,388 | 57,300,000 | 56,500,000 | | 59,100,000 | 59,100,000 | |
| Miscellaneous | 8,867,477 | 9,700,000 | 8,950,000 | (750,000) | 10,100,000 | 9,350,000 | (750,000) |
| Total | 145,422,212 | 158,600,000 | 146,250,000 | (12,350,000) | 164,400,000 | 148,950,000 | (15,450,000) |
| FISH AND GAME FUND | | | | | | | |
| Fish and Game Licenses | 5,315,500 | 5,550,000 | 5,550,000 | 0 | 5,870,000 | 5,870,000 | |
| Fines and Penalties | 75,559 | 70,000 | 70,000 | | 70,000 | 70,000 | |
| Miscellaneous Sales | 233,974 | 150,000 | 150,000 | | 150,000 | 150,000 | |
| Indirect Costs | 64,407 | 150,000 | 150,000 | | 125,000 | 125,000 | |
| Total | 5,689,440 | 5,920,000 | 0 | 6,215,000 | 6,215,000 | 0 | |

SPECIAL ORDERS

HB 1297-FN, establishing a committee to study meeting scheduling for the house of representatives. **INEXPEDIENT TO LEGISLATE.**

The legislative process and schedule that we presently operate with is one that has evolved over 200 years of experience. This process is the one that, through constant review and amendment, has been determined to best serve the state and its people. The purpose of the Legislature is to do the people's business for the good of our state, not to be in session when it is convenient for the members. A study committee of legislators and special interest groups is not necessary when 400 citizen legislators review the process annually. Vote 15-2. Rep. James D. Phelps for Legislative Administration.

Rep. Woodburn moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Weddle spoke in favor of the motion.

Rep. Phelps spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 72**NAYS 287****YEAS 72****BELKNAP**

Maviglio, Steven R.

Salatiello, Thomas

CHESHIRE

Barber, Robert E., Jr.
Spear, Susan

Cole, Kenneth A.

Foster, Katherine Davis

COOS

Mayhew, Josephine
Theriault, Romeo J.

Nelson, Harold D.
Woodburn, Jeffrey R.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.
Markley, J. Keith

Chambers, Mary P.
Guest, Robert H.
Rose, William B.

Copenhaver, Marion L.
LaMott, Paul I.
Teschner, Douglass P.

HILLSBOROUGH

Baldizar, Barbara J.
Dwyer, Patricia R.
Gerow, Sezen M.
Haettenschwiller, A. A.
Johnson, Lionel W.
Lozeau, Donnalee
Ouellette, Robert O.
Spaloss, Henry F.

Cote, David E.
Elliott, Larry G.
Green, Scott E.
Hall, Betty B.
King, John A.
Murphy, Robert E.
Paquette, Rodolphe G.
Toomey, Daniel

Drabinowicz, A. Theresa
Frank, Nancy G.
Gureckis, Adam C., Sr.
Jean, Romeo W.
Leclerc, Charles J.
O'Rourke, JoAnne A.
Pignatelli, Debora B.

MERRIMACK

Bardsley, Elizabeth S.
Jacobson, Alf E.

Beaton, Nancy
Trombly, Rick A.

Gilbreth, Robert M.

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.

Bell, Juanita
Hollingworth, Beverly A.

Blanchard, MaryAnn N.
Kane, Cecelia D.

McGovern, Cynthia A.
Splaine, John E., Sr.

Pantelakos, Laura C.
Weddle, Michael Rodney

Seward, Russell G.

STRAFFORD

Burton, Wayne M.
Lachance, Douglas
O'Brien, John
Wheeler, Katherine Wells

Gilmore, Gary
McCann, William H., Jr.
Pelley, Janet R.

Keans, Sandra Balomenos
Merrill, Amanda
Spencer, Leo J.

SULLIVAN

Burling, Peter Hoe

Harland, Jane A.

Stamatakis, Carol M.

NAYS 287

BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Locke, Matthew J.
Rice, Thomas, Jr.
Turner, Robert H.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Gordon, Irvin H.
Hunt, John B.
Morse, Jo-Ann T.
Pierce, David A.

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
LaMar, David M.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Stacey W.
Doucette, Richard F.
Hill, Douglas E.
Laurent, John J.
Perry, David M.
Young, David A.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Nordgren, Sharon
Stewart, Roger
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Dow, David
Larson, Nils H., Jr.
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bicknell, Robert C.
Burkush, Peter
Daigle, Robert Arthur

Alukonis, David J.
Barry, Janet Gail
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrochers, Gerard T.

Amidon, Eleanor H.
Barry, Vivian
Brady, Carolyn L.
Cox, Gladys M.
Dionne, Paul R.

Dodge, Emma M.
 Drolet, Paul L.
 Emerton, Lawrence
 Foote, Herbert N., Sr.
 Goulet, Maurice E.
 Harlan, Susan N.
 Hultgren, David D.
 Jenkins, Mary
 Klose, John F.
 Kurk, Neal M.
 Lawrence, Norman B.
 Mason, Howard F.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Perham, Lester R.
 Record, Alice Barnard
 Riley, Frances L.
 Sallada, Roland A.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Upton, Barbara Allen
 Wihby, Linda S.

Domaingue, Jacquelyn
 Dube, Ellen C.
 Fields, Dennis H.
 Ford, Nancy M.
 Grip, Robert H.
 Healy, Daniel J.
 Hunter, Bruce F.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland
 Pappas, Toni
 Prestipino, Bartolo V.
 Reidy, Frank J.
 Robinson, Ellen-Ann
 Schneiderat, Catherine
 Steiner, Lee Anne
 Turgeon, Roland M.
 Vanderlosk, Stanley R.
 Wright, George W.

Donovan, Francis X.
 Dykstra, Leona
 Flood, Jacqueline J.
 Gagnon, Gabrielle V.
 Hanselman, Gregory L.
 Holden, Carol H.
 Jasper, Shawn N.
 Kelley, Robert N.
 Kress, Gloria W.
 Lawrence, Eva M.
 Lown, Elizabeth
 McDowell, James E.
 Messier, Irene M.
 Nardi, Theodora P.
 Pepino, Leo P.
 Provost, Gilles R.
 Rheault, Lillian I.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Tyree, Paul M.
 Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
 Bennett, J. Allen
 Carter, Susan D.
 Fair, Patricia A.
 Gross, Caroline L.
 Hayes, Robert C.
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene
 Provencal, Leo A.
 Stio, Peter M.
 Whittemore, James A.

Apple, Lowell D.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Shaw, Randall F.
 Teague, Bert

Barberia, Richard A.
 Braiterman, Thea
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Smith, Gerald R.
 Tolpin, Richard W.

ROCKINGHAM

Benton, Richardson D.
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.

Boucher, William Paul
 Campbell, Eunice M.
 Conroy, Janet M.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.

Brown, Jeffrey M.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Johnson, Robert A.
 King, Roger C.
 Lovejoy, Virginia K.

MacDonald, Joseph A.
Mace, Ada L.
McCain, William F.
Micklon, Stephanie K.
Parsons, Robert F.
Remick, Barbara R.
Schmidtchen, Rowland
Simon, Peter M.
Stachowske, Vicki
Vartanian, Elsie
Wells, Henry E.

MacDonald, Maurice B.
Magoon, Harold F.
McCarthy, John James, Jr.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Ritzo, Eugene
Senter, Marilyn P.
Skinner, Patricia M.
Sytek, Donna
Warburton, Calvin
Weyler, Kenneth L.

MacKinnon, Nancy W.
Malcolm, Kenneth W.
McKinney, Betsy
Parr, Ednapearl F.
Raynowska, Bernard J.
Roulston, Donald L.
Sherburne, John L.
Sochalski, Matthew M.
Tufts, J. Arthur
Welch, David A.
Wright, David B.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Edward J.
Kinney, Paula J.
Musler, George T.
Stewart, Glenn W.
Torr, Ann M.
Vincent, Francis C.

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Marston, Robert E.
Parks, Joe B.
Sullivan, Henry P.
Torr, Ralph W.
Young, John B.

Bickford, Drucilla
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Scharff, Thomas Edward
Swope, Warren L.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

The substitute motion lost.

Resolution adopted.

HB 1317, relative to a feasibility study for a monorail system at Hampton Beach. INEXPEDIENT TO LEGISLATE.

The Committee feels that the merits of the bill are fine and probably bear further study; but the bill calls for the Public Works Committee to determine the feasibility of persuading the private sector to construct a monorail system at Hampton Beach. The Committee feels more study and work needs to be done by the private sector and then come back to the Legislature with more specifics. Increased development and overcrowding were also concerns expressed by the Committee. Vote 14-0. Rep. Gene G. Chandler for Public Works.

Rep. Ritzo moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Chandler spoke against the motion.

Substitute motion lost.

Resolution adopted.

HB 1400-FN-A, to impose a state income tax to fund school district education costs and making an appropriation for administration costs, and providing for property tax relief claims. INEXPEDIENT TO LEGISLATE.

This bill would impose a 3 percent personal income tax with funds being distributed to school districts on a dollar-for-dollar "match" basis. The Committee had reservations about dedicating proceeds only to education and questioned whether the

bill would indeed result in a reduction in property tax. Vote 14-1. Rep. Donna P. Sytek for Ways and Means.

Rep. Teague spoke to the report and yielded to questions.

Rep. LaMar moved that the words, Ought to Pass with Amendment, be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. David Young and Gross spoke against the motion and yielded to questions.

Reps. Scott Green and Arnesen spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 20

NAYS 340

YEAS 20 CHESHIRE

Barber, Robert E., Jr.
LaMar, David M.

Doucette, Richard F.
Perry, David M.

Foster, Katherine Davis

GRAFTON

Adams, Carl S.

Copenhaver, Marion L.

LaMott, Paul I.

HILLSBOROUGH

Daigle, Robert Arthur
Murphy, Robert E.

Gureckis, Adam C., Sr.
Smith, Leonard A.

Lachut, Ervin R.

MERRIMACK

Fillion, Paul R.

Pantzer, Eugene

ROCKINGHAM

MacKinnon, Nancy W.

Splaine, John E., Sr.

Weddle, Michael Rodney

STRAFFORD

Marston, Robert E.

Wheeler, Katherine Wells

NAYS 340

BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Locke, Matthew J.
Randall, Kenneth A.
Rosen, Ralph J.
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Maviglio, Steven R.
Rice, Thomas, Jr.
Salatiello, Thomas
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Pearson, Ralph W.
Richardson, Lawrence
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Morse, Jo-Ann T.
Spear, Susan

Blacketor, Paul G.
Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

Cole, Kenneth A.
Delano, Robert F.
Hill, Douglas E.
Metzger, Katherine H.
Sawyer, Alfred P.

COOS

| | | |
|-----------------------|-----------------------------|----------------------|
| Brungot, Catherine V. | Buckley, C. Fitzgerald, III | Burns, Harold W. |
| Dumont, Robert E. | Guay, Lawrence J. | Horton, Lynn C. |
| Kilbride, Dennis J. | Lemire, George | Marsh, Beaton |
| Mayhew, Josephine | Merrill, Gerald | Nelson, Harold D. |
| Oleson, Otto H. | Therault, Romeo J. | Woodburn, Jeffrey R. |

GRAFTON

| | | |
|---------------------|-------------------------|----------------------|
| Arnesen, Deborah L. | Bean, Pamela B. | Bennett, Shirley M. |
| Brown, Channing T. | Chambers, Mary P. | Christy, C. Dana |
| Densmore, Edward D. | Dow, David | Driscoll, William J. |
| Guest, Robert H. | Hill, Richard L. | Larson, Nils H., Jr. |
| Markley, J. Keith | Nordgren, Sharon | Rose, William B. |
| Scanlan, David M. | Shackett, Ralph E. | Stewart, Roger |
| Townsend, Howard C. | Wadsworth, Karen O. | Ward, Kathleen W. |
| Weymouth, Philip H. | Whitcomb, Henry F., Jr. | White, Paul R. |

HILLSBOROUGH

| | | |
|--------------------------|-----------------------|-------------------------|
| Ahrens, Frederick G. | Alukonis, David J. | Amidon, Eleanor H. |
| Andrews, Frederick B. | Baldizar, Barbara J. | Barry, Janet Gail |
| Barry, Vivian | Bicknell, Robert C. | Bowers, Dorothy C. |
| Brady, Carolyn L. | Burkush, Peter | Cote, David E. |
| Cowenhoven, Garret P. | Cox, Gladys M. | Culbert, Patrick |
| Desrochers, Gerard T. | Dionne, Paul R. | Dodge, Emma M. |
| Domaingue, Jacquelyn | Donovan, Francis X. | Drabinowicz, A. Theresa |
| Drolet, Paul L. | Dube, Ellen C. | Dwyer, Patricia R. |
| Dyer, Merton S. | Dykstra, Leona | Elliott, Larry G. |
| Emerton, Lawrence | Fields, Dennis H. | Flood, Jacqueline J. |
| Foote, Herbert N., Sr. | Ford, Nancy M. | Frank, Nancy G. |
| Gagnon, Gabrielle V. | Gerow, Sezen M. | Goulet, Maurice E. |
| Green, Scott E. | Grip, Robert H. | Haettenschwiller, A. A. |
| Hall, Betty B. | Hanselman, Gregory L. | Harlan, Susan N. |
| Healy, Daniel J. | Holden, Carol H. | Hultgren, David D. |
| Hunter, Bruce F. | Jasper, Shawn N. | Jean, Romeo W. |
| Jenkins, Mary | Johnson, Lionel W. | Keefe, Edmund M. |
| Kelley, Robert N. | King, John A. | Klose, John F. |
| Knight, Alice Tirrell | Kress, Gloria W. | Kurk, Neal M. |
| Lawrence, Eva M. | Lawrence, Norman B. | Leclerc, Charles J. |
| Lefebvre, Roland J. | Lown, Elizabeth | Lozeau, Donnalee |
| Mason, Howard F. | McCann, Bonnie Lou | McDowell, James E. |
| McNerney, Daniel P. | McRae, Karen | Messier, Irene M. |
| Moore, Elizabeth A. | Morrisette, Roland | Nagdi, Theodora P. |
| O'Rourke, JoAnne A. | Ouellette, Robert O. | Packard, Bonnie B. |
| Pappas, Toni | Paquette, Rodolphe G. | Pepino, Leo P. |
| Perham, Lester R. | Pignatelli, Debora B. | Prestipino, Bartolo V. |
| Provost, Gilles R. | Record, Alice Barnard | Reidy, Frank J. |
| Rheault, Lillian I. | Riley, Frances L. | Robinson, Ellen-Ann |
| Rodgers, G. Philip | Sallada, Roland A. | Schneiderat, Catherine |
| Searles, Stanley N., Sr. | Spaloss, Henry F. | Steiner, Lee Anne |
| Stiles, Walter A. | Tarpley, Nancy L. | Toomey, Daniel |

Turgeon, Roland M.
Vanderlosk, Stanley R.
Wright, George W.

Tyree, Paul M.
Wheeler, David K.

Upton, Barbara Allen
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Shaw, Randall F.
Stio, Peter M.
Whittemore, James A.

Apple, Lowell D.
Beaton, Nancy
Braiterman, Thea
Dunn, Miriam
Gilbreth, Robert M.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Smith, Gerald R.
Teague, Bert

Barberia, Richard A.
Bennett, J. Allen
Carter, Susan D.
Fair, Patricia A.
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Provencal, Leo A.
Soldati, Jennifer
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Blanchard, MaryAnn N.
Brown, Lewis W.
Campbell, Marilyn R.
Conroy, Janet M.
Dube, LeRoy S.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Haynes, Richard L.
Hynes, Carolyn E.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Joseph A.
Magoon, Harold F.
McCarthy, John James, Jr.
Micklon, Stephanie K.
Parr, Ednapearl F.
Raynowska, Bernard J.
Roulston, Donald L.
Seward, Russell G.
Skinner, Patricia M.
Sytek, Donna
Vaughn, Charles L.
Wells, Henry E.

Bell, Juanita
Boucher, William Paul
Buco, Stephen
Caswell, Albert, Jr.
Cooke, Annette M.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoar, John, Jr.
Johnson, Robert A.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
MacDonald, Maurice B.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Palazzo, Frank J., Sr.
Parsons, Robert F.
Remick, Barbara R.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Tufts, J. Arthur
Warburton, Calvin
Weyler, Kenneth L.

Benton, Richardson D.
Brown, Jeffrey M.
Campbell, Eunice M.
Chase, Lawrence A., Jr.
Cote, Patricia L.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Kane, Cecelia D.
King, Roger C.
Lovejoy, Virginia K.
Mace, Ada L.
McCain, William F.
McKinney, Betsy
Pantelakos, Laura C.
Popov, Elizabeth M.
Ritzo, Eugene
Senter, Marilyn P.
Simon, Peter M.
Stachowske, Vicki
Vartanian, Elsie
Welch, David A.
Wright, David B.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Anita A.
Frechette, Roland A.

Bernard, Mary E.
Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra Balomenos

Bickford, Drucilla
Dionne, Albert J.
Foss, Patricia H.
Kinney, Paula J.

Lachance, Douglas
Merrill, Amanda
Parks, Joe B.
Spencer, Leo J.
Swope, Warren L.
Tsiros, William

Martling, W. Kent
Musler, George T.
Pelley, Janet R.
Stewart, Glenn W.
Torr, Ann M.
Vincent, Francis C.

McCann, William H., Jr.
O'Brien, John
Scharff, Thomas Edward
Sullivan, Henry P.
Torr, Ralph W.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
Krueger, Richard H.
Peyron, Fredrik
Stamatakis, Carol M.

Burling, Peter Hoe
Harland, Jane A.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

The substitute motion lost.

Resolution adopted.

Rep. Teschner wished to be recorded against the motion.

Rep. Burling moved that the direct debate on HB 1400 be printed in the permanent journal and spoke to his motion.

Motion lost.

COMMITTEE REPORTS

(Deputy Speaker Burns in the Chair)

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1416, relative to adoption of more stringent automobile emission standards, was removed at the request of Rep. Elizabeth Greene.

HB 1438, relative to the goals and objectives for reduction of solid waste, was removed at the request of Rep. Parks.

HB 1240, relative to the purchase and distribution of drugs for the control of infectious diseases, was removed at the request of Rep. Foote.

Adopted.

HB 1093, relative to the duties of moderators at elections. **INEXPEDIENT TO LEGISLATE.**

The Committee did not feel there was a pressing need at this time to pass this bill. Vote 9-0. Rep. Mary Jenkins for Constitutional and Statutory Revision.

HCR 15, supporting multi-cultural and multi-ethnic education for New Hampshire students. **OUGHT TO PASS.**

This resolution simply supports and acknowledges the importance of emphasizing multi-cultural and multi-ethnic education for New Hampshire students. During the public hearing, several comments were brought forward in support of this resolution: that it would "help to appreciate, understand and touch other cultures"; "acknowledge the priority"; "celebrate and educate our young people"; and that it would "send the right signal" as well as "reinforce the obvious." The Committee concurs, and could not have said it better. Vote 16-2. Rep. Jacquelyn Domaingue for Education.

HCR 16, proclaiming 1990 as the International Year of Bible Reading. INEXPEDIENT TO LEGISLATE.

The resolution is well-intentioned, but there may be implications beyond the original intent. There are many religions and beliefs. This does not seem to be the right way to encourage the reading of the Bible. Vote 15-2. Rep. Gertrude B. Pearson for Education.

HB 1068, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds. OUGHT TO PASS WITH AMENDMENT.

This bill is a request of the Department of Agriculture. It revises the subdivision on seeds very extensively by detailing requirements of seed dealers of all types of seeds sold in the state. Vote 17-0. Rep. Robert F. Parsons for Environment and Agriculture.

Amendment

Amend RSA 433:4, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Consisting of or containing prohibited noxious weed seeds, subject to recognized tolerances.

HB 1406-FN, relative to hazardous waste transporter permits and the definition of waste. OUGHT TO PASS WITH AMENDMENT.

This bill extends the period of hazardous waste transporter permits, modifies the definition of waste to include waste water in sewer systems, and makes certain house-keeping changes relative to fees and the Hazardous Waste Cleanup Fund. As amended, the bill establishes a committee to study the issue of medical waste and report its findings by November 1, 1990. Vote 14-0. Rep. Gregory L. Hanselman for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to hazardous waste transporter permits and the definition of waste and establishing a committee to study medical waste.

Amend the bill by replacing all after the enacting clause with the following:

1 Hazardous Waste; Definition; Waste. Amend RSA 147-A:2, XVIII to read as follows:

XVIII. "Waste" means any matter consisting of: garbage, refuse sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other spent, discarded or abandoned material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include [solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits] *wastewaters discharged to municipal sewers or to surface waters in accordance with a permit issued under RSA 485-A or under section 402 of the Federal Water Pollution Control Act as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.*

2 Hazardous Waste Transporter Fee Increased. Amend RSA 147-A:6, II to read as follows:

II. A permit application fee of [\$100] *\$200 per year* plus [\$25] *\$50* for each vehicle listed in the application form, including trailers, flat beds, and barges, shall

accompany each permit and permit renewal application. The division of waste management shall refund the individual vehicle fees if the application is denied.

3 Validity of Transporter Permits. Amend RSA 147-A:6, IV to read as follows:

IV. If the application is approved, a transporter permit shall be issued for one year, *except as otherwise provided in this paragraph until all permits are valid for 3 years*, subject to modification, suspension or revocation by the division of waste management[.]:

(a) *Existing permit numbers TNH-0001 to 0046 shall be valid for 3 years, effective upon the effective date of this subparagraph.*

(b) *Existing permit numbers TNH-0047 to 0094 shall be valid for 3 years, effective one year from the effective date of this subparagraph.*

(c) *Existing permit numbers TNH-0095 to 0139 shall be valid for 3 years, effective 2 years from the effective date of this subparagraph.*

(d) *All new permits shall be valid for 3 years.*

4 Use of Fees. Amend RSA 147-A:6, VI to read as follows:

VI. Fees received by the division of waste management under this section shall be used in processing transporter permit applications *and monitoring compliance of transporters*.

5 Findings and Purpose; Hazardous Waste Cleanup Fund. Amend RSA 147-B:1, III to read as follows:

III. Nothing contained in this chapter is intended to duplicate the functions set forth in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-610. [The purpose of this chapter shall not be to pay compensation for claims for any costs of response or damages or claims which may be compensated under the above mentioned federal law.]

6 Purpose and Use of Hazardous Waste Cleanup Fund. Amend RSA 147-B:6 I to read as follows:

I. The fund shall be used to provide for the adequate and safe containment and cleanup of [nonqualifying CERCLA] sites within New Hampshire where hazardous wastes or hazardous materials have been stored or disposed of which threaten the environment or the public health and welfare. [Moneys shall be expended from the fund only for those projects which do not qualify for assistance under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-610.]

7 Amount Increased. Amend RSA 147-B:6, IV to read as follows:

IV. The division of waste management may use up to [\$225,000] **\$325,000** per year from the fund to pay for administrative and enforcement costs associated with the fund.

8 Hazardous Waste Fee Increased; Cap Removed. Amend RSA 147-B:8, I to read as follows:

I. Every generator of hazardous waste located in this state who generates in a 3 month period 300 kilograms (661.5 pounds) or more of unrecycled hazardous waste shall pay a quarterly hazardous waste generator fee to the division of waste management. The quarterly fee on such waste shall be no more than [\$.04] **\$.066** per kilogram [(\$.018) **\$.03** per pound]. Every generator described in this paragraph shall pay a minimum fee of \$50 per quarter. [No generator shall be required to pay more than \$6,000 per quarter.]

9 Use of Costs Recovered. Amend RSA 147-B:10, III(a) to read as follows:

III.(a) The attorney general may institute an action before the superior court for the county in which the facility is located against any person liable pursuant to paragraph I of this section to recover all costs incurred by the state. ***Costs recovered under this section shall be deposited into the fund.***

10 Transfer of CERCLA Matching Funds into Cleanup Fund. Amend 1985, 346:4, III to read as follows:

III. Proceeds from the sale of bonds under this section and all future appropriations [or bond funding] intended as matching funds for CERCLA projects shall be [accounted for separately and shall not be commingled with or be a charge against] ***deposited into*** the hazardous waste cleanup fund established under RSA 147-B:3.

11 Committee Established; Membership. There is established a committee to study the issue of medical waste. The committee memberships shall be as follows:

I. The commissioner of environmental services or designee.

II. The state veterinarian or designee.

III. One representative from the New Hampshire Hospital Association, appointed by such association.

IV. Two members of the house of representatives, appointed by the speaker of the house.

V. Two senators, appointed by the president of the senate.

VI. One public member appointed by the governor.

VII. One representative from the New Hampshire Medical Association, appointed by such association.

12 Duties. The committee's study shall include, but not be limited to, the following:

I. A definition and classification of medical waste.

II. An inventory of existing and proposed medical waste incineration facilities.

III. Appropriate regulations for the transportation of medical waste.

IV. Monitoring federal Environmental Protection Agency emission standards currently under development.

V. Standards for disposal of the ash generated by medical waste incinerators.

13 Appointments. The appointment of the members enumerated in section 11 of this act shall be made within 30 days of the effective date of this act.

14 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house, the president of the senate and the governor no later than November 1, 1990.

15 Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

16 Repeal. The following are repealed:

I. 1983, 469:58. relative to bonding authorization.

II. 1985, 346:4, II, relative to bonding authorization.

17 Effective Date.

I. Sections 9 and 10 of this act shall take effect July 1, 1990.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the effective period of hazardous waste transporter permits. The bill modifies the definition of waste in the hazardous waste management chapter to include waste waters in sewer systems.

The bill makes certain changes relative to the hazardous waste cleanup fund.

This bill also establishes a committee to study the issue of medical waste. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house, the senate president and the governor, no later than November 1, 1990.

Referred to Appropriations.

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil. OUGHT TO PASS.

This bill allows dealers to burn used motor oil. Testimony indicated this currently can be done in an environmentally-safe manner. This will allow the disposal of an unsafe material in an expeditious and sound way. Vote 16-1. Rep. Rick A. Trombly for Environment and Agriculture.

HB 1029, relative to domesticated wild animals. OUGHT TO PASS WITH AMENDMENT.

The Committee took a straw vote to kill the original bill and rewrite HB 1029 to allow the sale of fallow deer. The bill, as amended, allows the sale of domestic deer as venison, but retains the prohibition against the sale of Virginia white tail as venison. The sponsor agrees to the bill as amended. Vote 15-0. Rep. William P. Boucher for Fish and Game.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the sale of venison by licensed propagators.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Sale of Venison by Licensed Propagators. Amend RSA 212 by inserting after section 30-d the following new section:

212:30-e Sale of Venison Raised by Licensed Propagators.

I. Notwithstanding the provisions of RSA 208:11, deer carcasses or venison, other than Virginia white-tailed deer (*Odocoileus virginianus*) raised within the state by persons holding a valid propagation license issued pursuant to RSA 212:25, may be possessed, bought and sold pursuant to the requirements set forth in this section.

II. The sale of Virginia white-tailed deer (*Odocoileus virginianus*) carcasses or venison for food shall be prohibited. Nothing in this paragraph shall prohibit the hunting or taking of Virginia white-tailed deer by a person hunting with permission on premises authorized pursuant to RSA 212:25 for the propagation of Virginia white-tailed deer. The provisions of RSA 208:11 shall apply to all Virginia white-tailed deer so taken.

III. For each sale of deer carcasses or venison as permitted by this section, there shall be a bill of sale bearing the date of purchase, the species of venison, the total weight of the deer carcass or venison, the name and address of the purchaser, and the name, address and permit number of the propagator making the sale. The bill of sale shall remain with the deer carcass or venison as long as it remains in this state.

IV. The propagator making the sale shall provide bills of sale in triplicate, one copy of which shall be forwarded to the fish and game department within 30 days of the sale, another copy of which shall be given to the customer, and the third copy of which shall be retained as a file copy by the propagator.

V. No person other than one licensed to propagate deer, other than Virginia white-tailed deer, shall be permitted to sell deer carcasses or venison pursuant to this section; provided however, a person who has obtained the appropriate resident or nonresident wholesaler's licenses described in RSA 212:30-d, III, shall be permitted to purchase deer carcasses or venison pursuant to this section for resale to hotels or restaurants only.

VI. Any hotel or restaurant wishing to sell deer carcasses or venison obtained pursuant to this section shall be required to obtain the license described in RSA 212:30-d, IV, and shall comply with all the provisions therein.

VII. Any person convicted under this section shall be guilty of a violation if a natural person and guilty of a misdemeanor if any other person.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill authorizes a licensed propagator to sell Virginia white-tailed deer on the hoof but not as venison.

HB 1056, relative to the revocation of hunting and fishing licenses and to hunting dog training. REFER FOR INTERIM STUDY.

The Committee felt the testimony presented indicated a real problem that needed more study. The Study Committee would be comprised of: one citizen from the area; Representative Foster, the prime sponsor of the bill; representatives of the Fish and Game Department and the Bear Hunters Association; Senators Bond and Heath; and five members of the Fish and Game Committee. Vote 16-0. Rep. Willard N. Young for Fish and Game.

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system. OUGHT TO PASS WITH AMENDMENT.

This bill establishes a study committee on the feasibility of developing a statewide trauma care system. Presently, the state is divided into regions which have different criteria for handling trauma situations. Specifically, the committee will study issues such as the designation and accreditation of hospitals (a subject of some controversy); education and training of appropriate staff members; procedures for quality assurance; improving public access to services, and the like. Vote 15-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Committee Established; Membership. There is established a committee to study the feasibility of developing, implementing and maintaining a comprehensive statewide trauma care system. The committee membership shall be as follows:

I. The bureau chief of the bureau of emergency medical services or designee.

II. A representative from the New Hampshire chapter of the American College of Surgeons, appointed by such chapter.

III. A state medical director appointed by the bureau chief of the bureau of emergency medical services.

IV. Two members of the house of representatives, appointed by the speaker of the house.

V. Two members of the senate, appointed by the president of the senate.

VI. One public member appointed by the governor.

VII. A representative from the New Hampshire Hospital Association, appointed by the association.

VIII. A representative from the New Hampshire Emergency Nurses Association, appointed by the association.

IX. A member of the emergency medical service coordinating board established in RSA 151-B:2, appointed by the board.

X. A representative from the New Hampshire Association of Fire Chiefs, appointed by the association.

XI. The director of the division of public health services or designee.

XII. The state medical examiner or designee.

XIII. A representative of the New Hampshire chapter of the American College of Emergency Physicians, appointed by such chapter.

HB 1118, relative to hearing ear dogs. **OUGHT TO PASS WITH AMENDMENT.**

The bill makes a change in the law mandating the color-coding of the leash and, where applicable harness (color to be international orange). The bill also changes the term "seeing eye dog" to guide dog. The bill requires that persons who have received vocational rehabilitation services by the Division of Rehabilitation and who received a disability-related settlement or award from a liable third party must repay the cost of such services. It also requires that a sign language interpreter certified by the Department of Education pay a certification fee. Vote 15-0. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the disabled.

Amend the bill by replacing all after the enacting clause with the following:

1 Dog Leash Color Changes. RSA 167-D:5 is repealed and reenacted to read as follows:

167-D:5 Hearing Ear Dog, Guide Dog, or Service Dog Identified.

I. Any deaf or hearing impaired person using a hearing ear dog shall provide the dog with a leash and harness colored international orange.

II. Any blind or visually impaired person using a guide dog shall provide the dog with a leash and harness designed specifically for this purpose.

III. Any mobility impaired person using a service dog shall provide the dog with a leash colored blue and yellow.

2 New Section; Recovery of Costs; Vocational Rehabilitation Program Clients. Amend RSA 200-C by inserting after section 6 the following new section:

200-C:6-a Recovery of Costs; Right of Action.

I. Whenever any person who has received services provided under this chapter shall receive a settlement or an award from a liable third person or party, including workers' compensation and social security disability benefits, and such settlement or award is related to the disability under which the person became eligible for such services, the person shall repay the cost of such services to the extent that the amount of the settlement or award makes repayment possible. No attorneys' fees shall be deducted from the amount due the state from such award or settlement.

II. Amounts repaid under paragraph I shall be payable to the vocational rehabilitation division of the department of education and shall be administered as follows:

(a) If the settlement or award occurs within the same fiscal year as the receipt of any portion of services furnished, the recovered amount proportionate to the cost of services provided for such fiscal year shall be credited to the division; and

(b) If the settlement or award occurs after the fiscal year in which receipt of any portion of services furnished takes place, that part of the cost of services recovered pursuant to this section which was federally funded shall be returned to the federal government in an amount proportionate to the cost of services provided for such previous fiscal year, while the remaining state-funded part of such cost shall remain with the division.

III. The state shall have a right of action over amounts due pursuant to paragraph I.

3 Certification Fee; Revolving Fund. Amend RSA 200-C by inserting after section 20 the following new section:

200-C:20-a Certification Fee; Revolving Fund Established.

I. Sign language interpreters certified by the department of education as provided in RSA 200-C:19, IV or RSA 521-A:1, IV shall be charged a fee for such certification by the department of education. The state board of education shall establish, pursuant to RSA 541-A, a fee schedule for such purpose. The director, division of vocational rehabilitation, shall assess and collect such fees.

II. The director, division of vocational rehabilitation, shall establish a revolving fund into which shall be deposited fees collected under paragraph I. The revolving fund shall be nonlapsing. The commissioner of education, with approval of the governor and council, is authorized to use moneys from the revolving fund for the purposes of funding the program as provided in this subdivision.

4 Change from "Seeing Eye" to "Guide". Amend the following RSA provisions by replacing "seeing eye" with "guide": RSA 167-C:2; the chapter heading of RSA 167-D; RSA 167-D:1, VII; 167-D:3; 167-D:4; 167-D:6; 167-D:7, II; 167-D:8; 466:8, and 466:44.

5 Effective Date. This act shall take place 60 days after its passage.

AMENDED ANALYSIS

This bill makes a change in the law mandating the color-coding of the leash and, where applicable, harness, which hearing ear, guide and service dogs must wear. This bill also changes the term "seeing eye dog" to "guide dog".

The bill requires that persons who have received vocational rehabilitation services provided by the division of vocational rehabilitation, department of education, and who receive a disability-related settlement or award from a liable third party, must repay the cost of such services to the extent that the amount of the settlement or award makes repayment possible. The state shall have a right of action over amounts due.

The bill also requires that sign language interpreters certified by the department of education pay a certification fee. Such fees are to be deposited in a nonlapsing revolving fund established by the department for such purpose.

Referred to Appropriations.

HB 1200-FN, to change the name of the governor's commission for the handicapped. **OUGHT TO PASS.**

House Bill 1200 is a bill to change the name of the Governor's Commission for the Handicapped to the Governor's Commission for the Disabled. This name change is supported by the handicapped community and the Committee. Vote 15-0. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

HB 1202-FN, establishing the New Hampshire foundation for mental health. REFER FOR INTERIM STUDY.

House Bill 1202 has the components of being an excellent piece of legislation, as it would establish a New Hampshire Foundation for Mental Health. The foundation would be governed by a Board of Trustees and when established would support the efforts of the New Hampshire Hospital research regarding mental illness. The foundation would be authorized to accept gifts, grants, donations, contributions and bequests from individuals, corporations and trusts. The bill, however, needs additional work and refinement. Vote 15-0. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

HB 1304-FN, establishing a committee to study mobile health care units. OUGHT TO PASS WITH AMENDMENT.

The quality and accessibility of health care to all age groups that live in the rural areas of this state is of growing concern in the face of increasing fiscal restraints and the growing number of those who need services. The more limited resources that are available in rural areas often do not reach many people in need of care due to geographic isolation. The mobile health care unit concept intends to bring needed services to the greatest number of people in the most cost-effective way. This bill establishes a study committee to determine the viability of this program and its method of implementation. Vote 18-0. Rep. Shirley M. Bennett for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

I Committee Established; Membership. There is established a committee to study the feasibility of developing a mobile unit system to provide health care to persons in rural areas. The committee membership shall be as follows:

I. One from the health services planning and review board established in RSA 151-C:3, appointed by the board.

II. A representative of a home health care provider, appointed by the New Hampshire Home Care Association.

III. One member from the New Hampshire Association of Retired Persons, appointed by the association.

IV. Two members of the house of representatives, one of whom shall be from the house health, human services and elderly affairs committee, appointed by the speaker of the house.

V. Two senators, one of whom shall be a member of the senate public institutions/health and human services committee or their designees, appointed by the president of the senate.

VI. The commissioner of health and human services or designee.

VII. One member from the maternal and child health bureau, appointed by the director of public health services.

VIII. A representative from a visiting nurse agency, appointed by the New Hampshire Home Care Association.

IX. A representative of the New Hampshire Medical Society, appointed by such society.

X. A representative of the New Hampshire School Nurse Association, appointed by such association.

Amend the bill by replacing sections 4 and 5 with the following:

4 Appointments. The appointment of the members enumerated in section 1 of this act shall be made within 15 days of the effective date of this act.

5 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house and the president of the senate no later than October 15, 1991.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of developing a mobile unit system to provide health care to persons in rural areas. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house and the senate president, no later than October 15, 1991.

HB 1169-FN, relative to drug and alcohol testing in the workplace. **OUGHT TO PASS WITH AMENDMENT.**

The Committee amended the bill to establish a committee to study the issue of drug and alcohol testing in the workplace. The study committee will have members from the House, the Senate and four (4) members appointed by the Governor (one representative of labor, one of business, one attorney and one member of the general public). The study committee will report on or before January 1, 1991 with recommendations for legislation. Vote 14-0. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study drug and alcohol
testing in the workplace.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Members. A committee is hereby established to study the issue of drug and alcohol testing in the workplace. The committee shall consist of the following:

I. One house member appointed by the chairman of the house labor, industrial and rehabilitative services committee.

II. One house member, appointed by the speaker of the house.

III. One senate member, appointed by the president of the senate.

IV. One person representing business and industry nominated by the Business and Industry Association and appointed by the governor.

V. One person representing labor nominated by the president of the New Hampshire AFL-CIO and appointed by the governor.

VI. One attorney, appointed by the governor.

VII. One public member, appointed by the governor.

2 Study Required. The primary duty of the committee shall be to study all issues relevant to establishing procedures for drug and alcohol testing in the workplace.

3 Report. The committee shall submit a report on its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor, on or before January 1, 1991.

4 Mileage. Legislators shall receive compensation for mileage at the legislative rate when attending to the business of the committee.

5 Appointments; Initial Meeting. All appointments to the committee shall be made within 30 days of the effective date of this act. The house member appointed by the chairperson of the house labor, industrial and rehabilitative services committee shall call the first meeting of the committee.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the issue of drug and alcohol testing in the workplace. The bill requires the committee to submit a report, including recommendations for legislation, to the speaker of the house, the senate president, and the governor on or before January 1, 1991.

HB 1285, relative to agricultural labor and unemployment compensation. OUGHT TO PASS WITH AMENDMENT.

This bill was requested by the Department of Agriculture. The Department of Employment Security supports the bill, as amended. The bill excludes certain agricultural services covered by federal law from the definition of employment for the purposes of unemployment compensation. Vote 14-0. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Agricultural Labor Excluded. Amend RSA 282-A:9, IV(a) to read as follows:

(a) Agricultural labor, as defined in RSA 282-A:19, *unless such services are covered under section 3306(c)(1) of the Federal Unemployment Tax Act*;

2 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill excludes certain agricultural services covered by federal law from the definition of employment for the purposes of unemployment compensation.

HB 1322-FN, relative to mediation of labor disputes. INEXPEDIENT TO LEGISLATE.

This bill is needed on a federal level, not on a state level; the Taft-Hartley Act preempts state law. Vote 12-2. Rep. J. Allen Bennett for Labor, Industrial and Rehabilitative Services.

HB 1019-FN, relative to an optional elderly property tax credit. INEXPEDIENT TO LEGISLATE.

Several forms of elderly tax exemptions have been in force in this State for several years that address the situation that concern the sponsors. There is a need for public awareness of existing statutes. Vote 15-1. Rep. John A. Middleton for Municipal and County Government.

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District. OUGHT TO PASS.

This bill changes the formula for the distribution of highway funds in the Woodsville Fire District. It assures that money appropriated for distribution of highway funds in the Woodsville Fire District which is attributable to the Town of Haverhill shall not exceed 20 percent of the total amount of expenditures authorized at the town meeting. Vote 15-1. Rep. Paul A. Golden for Municipal and County Government.

HB 1201, relative to the recall of elected town officials. **INEXPEDIENT TO LEGISLATE.**

The Committee unanimously opposed this bill. It has several drafting flaws: 1) it addresses towns only; doesn't include cities or school board officials; 2) Section 671-A:2 of the bill addresses grounds for recall of public officials. The Committee found certain sections of this portion of the bill to be discriminatory; 3) there are also some internal conflicts within the bill; 4) all of the testimony was in opposition. Vote 16-0. Rep. Barbara J. Baldizar for Municipal and County Government.

HB 1435-FN, relative to an equity fee on newly constructed buildings. **INEXPEDIENT TO LEGISLATE.**

The Committee agrees that this bill would have created an ad valorem property tax. The bill was technically flawed and did not fully address questions on the collection or disbursement of fees. Vote 15-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 1305-FN, relative to administering blood alcohol concentration and drug content tests. **INEXPEDIENT TO LEGISLATE.**

House Bill 1305 mandates that a blood alcohol test be administered not later than four hours after an arrest. There was no opposition to the bill, but there was no compelling testimony from law enforcement at either the public hearing or subcommittee work sessions. The only evidence presented was a recent opinion rendered by the New Hampshire Supreme Court, upholding a jury decision in which a defendant questioned whether or not the blood alcohol concentration (BAC) test should not have been taken at the point and time of arrest. The DWI conviction was upheld after appeal and the state won the case. There is no need to change the existing procedures. Vote 14-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

HB 1182-FN, relative to expenditure by the public works bureau in excess of budget estimates. **OUGHT TO PASS WITH AMENDMENT.**

This housekeeping bill brings the Department of Transportation in line with six other state agencies which can expend revenue in excess of their budget estimate, with the prior consent of the Fiscal Committee and the approval of the Governor and Council. The amendment extends the lapse date on the Veterans Home 50-bed addition. Vote 10-4. Rep. Warren L. Swope for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to expenditures by the public works bureau in excess
of budget estimates and extending the appropriation
to the New Hampshire veterans' home for a
50 bed nursing home addition.

Amend the bill by replacing all after section 1 with the following:

2 Extending Lapse Date. The appropriation made to the New Hampshire veterans' home in 1987, 399:1, XII, for the new 50 bed nursing home addition is hereby extended to June 30, 1991.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill inserts a budget footnote which allows the public works bureau of the department of transportation to expend revenues in excess of its budget estimate, with the prior consent of the fiscal committee and the approval of the governor and council.

This bill also extends the appropriation made to the veterans' home in the 1987 session for a new 50 bed nursing home addition to June 30, 1991.

Referred to Appropriations.

HB 1122-FN, establishing a study committee on promoting the Kona Wildlife Area in the town of Moultonborough as a state park with beach facilities. **OUGHT TO PASS WITH AMENDMENT.**

The amendment to HB 1122 expands the study committee and includes one (1) selectman from Moultonborough, and one (1) member of the Conservation Commission of the town of Moultonborough. The bill also requests an environmental study to be done on the project. Vote 13-1. Rep. Allen R. Wiggin for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee on the best use of the Kona
Wildlife Area in the town of Moultonborough.

Amend the bill by replacing all after the enacting clause with the following:

I Study Committee Established; Kona Wildlife Area.

I. There is established a committee to review the feasibility of developing and promoting the Kona Wildlife Area in the town of Moultonborough.

II. The committee shall consist of 11 members as follows:

(a) Two members of the house of representatives, one of whom shall be a member of the house committee on resources, recreation and development, and one of whom shall be a member of the committee on fish and game; appointed by the speaker of the house.

(b) Two senators, one of whom shall be a member of the public affairs committee and one of whom shall be a member of the development, recreation and environment committee, appointed by the president of the senate.

(c) One member from the fish and game department, appointed by the executive director of the fish and game department.

(d) One member from the office of state planning, appointed by the director of the office of state planning.

(e) One selectman from the town of Moultonborough, appointed by the board of selectmen.

(f) One member of the conservation commission in the town of Moultonborough, appointed by the commission.

(g) One member from the division of parks and recreation, appointed by the commissioner of the department of resources and economic development.

(h) One member from the department of environmental services, appointed by the commissioner.

(i) One member of the general public, appointed by the governor.

III. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to

business of the committee. The member from the department of resources and economic development shall set the date and make the arrangements for the first meeting of the committee.

IV. The committee shall submit its findings and recommendations including an environmental impact statement to the governor, the speaker of the house of representatives, and the president of the senate on or before December 1, 1990.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a 11-member study committee to review the feasibility of developing and promoting the Kona Wildlife Area in the town of Moultonborough.

REGULAR CALENDAR

HB 1197, to identify individual contributors to political campaigns. OUGHT TO PASS.

This bill changes the information which must be reported to the Secretary of State by political committees for receipts exceeding \$100. Vote 6-3. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Ordered to third reading.

CACR 24, relating to a local property tax relief fund. Providing that a local property tax relief fund be established for the sole purpose of aiding school districts, municipalities, and counties. INEXPEDIENT TO LEGISLATE.

The Committee felt this resolution was not needed at this time. If and when the state passes a tax bill, then will be the time to write a constitutional change. Vote 8-1. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

Resolution adopted.

HB 1338, including certain towns in mining exceptions. INEXPEDIENT TO LEGISLATE.

The sponsor has agreed to combine his concerns into HB 1429. This has been done, making this bill unnecessary. Vote 13-2. Rep. John L. Sherburne for Environment and Agriculture.

Rep. Burton spoke in favor of the report.

Resolution adopted.

HB 1427-FN, relative to the recycling logo. OUGHT TO PASS WITH AMENDMENT.

This bill amends a bill passed last session, clarifying the use of the logo on certain items. Vote 10-6. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing section 4 with the following:

4 New Sections: Annual Reevaluation; Penalty. Amend RSA 149-N by inserting after section 4 the following new sections:

149-N:5 Annual Reevaluation. The commissioner shall periodically assess changes in recycling technologies and reclaimed materials markets and shall determine whether, in light of such changes, the recycled material content percentages require adjustment either up or down. The commissioner shall adopt rules, under RSA 541-A, as necessary to make such adjustments consistent with the intent and purposes of this chapter.

149-N:6 Penalty. Notwithstanding the provisions of 149-N:3 and in addition to any other penalties provided for by law, any person in violation of this chapter or any rule

of the department made under this chapter shall be guilty of a misdemeanor and shall be subject to a civil penalty of \$2,500 per day for each day during which such violation shall continue.

Amendment adopted.

Ordered to third reading.

HB 1323, relative to the uniformed officers of the division of state police. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This bill, HB 1323, would have allowed the uniformed officers of the Division of State Police to have an election for the purposes of recertifying or decertifying their bargaining representative. At the hearing, testimony was received that under RSA 273-A:8 the State Police Chapter could do what was requested in HB 1323. The Committee would like to keep the bill in interim study. If the system works, as it was told, no problem; if the system doesn't work, as it was told, it has a problem and should study ways to correct it. Vote 10-4. Rep. Kenneth J. MacDonald for the Majority of Executive Departments and Administration.

MINORITY: This is a bad bill that ought to be killed now. It is a by-pass bill that would set aside the statute on the Public Employee Labor Relations Board for one specific group, the State Police. Only one member of the Committee expressed support for the bill as introduced or for any by-pass bill. The majority wants to use the bill as a vehicle for a study of the whole Public Employee Labor Relations process, but this is the wrong vehicle. To keep this bill even semi-alive implies that it has some merit, which it doesn't. Rep. Richard H. Campbell for the Minority of Executive Departments and Administration.

Rep. Kenneth MacDonald yielded to questions.

Report adopted.

HB 1077-FN, relative to unemployment compensation for unemployment due to lockouts. INEXPEDIENT TO LEGISLATE.

The Department of Employment Security could not administer this bill if passed, and the Committee felt that this issue is already addressed under current law. Vote 10-4. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 1237-FN, relative to workers' compensation for certain employees. MAJORITY: INEXPEDIENT TO LEGISLATE MINORITY: OUGHT TO PASS.

MAJORITY: This bill could require New Hampshire employers to pay workers' compensation costs for injuries to their employees, even if those employees were not injured on the job. This bill, if passed, could have serious constitutional repercussions. Vote 8-7. Rep. Larry G. Elliott for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The minority feels that heroism and self-sacrifice should be rewarded. The minority thinks that it should not put New Hampshire's police and firefighters in the position of putting their families' financial security in jeopardy if they are injured while making a rescue during their off duty hours. Reps. Daniel Toomey, Richard A. Barberia, Jeffrey R. Woodburn, John E. Splaine, Frank J. Reidy, Lawrence A. Guay and David E. Cote for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Pfaff moved that HB 1237 be made a Special Order for Tuesday, February 13.

On a voice vote, the Chair was in doubt and called for a division.

134 members having voted in the affirmative and 173 in the negative, the motion lost.

Rep. Pfaff moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Turner spoke against the motion.

Rep. Pfaff withdrew his motion.

Rep. Guay spoke against the report and yielded to questions.

Rep. Hawkins spoke in favor the report.

Resolution adopted.

HB 1250-FN, relative to employees of the dog and horse racing industry. **OUGHT TO PASS WITH AMENDMENT.**

This amended bill will put New Hampshire's horse and dog track employees under the New Hampshire Public Employee Labor Relations Board. Since the horse and dog track industry has a unique and special relationship with the state, its employees aren't under the jurisdiction of the National Labor Relations Board. As a result, the Committee feels that a legal authority should oversee these employees' right-to-bargain collectively as do all other public and private employees. In this way, they can choose to change their bargaining representative or choose not to belong to a union, if they so desire. The Fiscal Note calls for state expenditures of \$2,405 in FY90 and \$4,000 in FY91. Vote 12-2. Rep. Daniel Toomey for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Dog and Horse Racing Employees Added. Amend RSA 273-A:1, IX and X to read as follows:

IX. "Public employee" means:

(a) Any person employed by a public employer except:

[(a)](1) Persons elected by popular vote;

[(b)](2) Persons appointed to office by the chief executive or legislative body of the public employer;

[(c)](3) Persons whose duties imply a confidential relationship to the public employer; or

[(d)](4) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call. For the purposes of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed; and[.]

(b) *For the purposes of RSA 273-A, any person who is employed by an employer as defined in RSA 273-A:1, X(b).*

X. "Public employer" means:

(a) The state and any political subdivision thereof, any quasi-public corporation, council, commission, agency or authority, and the state university system[.]; and

(b) *For the purposes of RSA 273-A, an employing unit which is engaged in dog or horse racing, or both, and is licensed to conduct races under RSA 284 and which in the current calendar year, has or had employees.*

2 New Section; Jurisdiction. Amend RSA 273-A by inserting after section 2-a the following new section:

273-A:2-b Jurisdiction. The board shall have jurisdiction, subject to the provisions of this chapter, over the employees listed in RSA 273-A:1, IX(b) which, but for an express declination by the federal National Labor Relations Board to exercise jurisdiction, would be regulated by that federal board.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds dog and horse racing employees to the definitions of public employee and public employer for purposes of the public employee labor relations law.

Rep. Wells spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant. OUGHT TO PASS.

This bill increases the minimum number of registered voters required for a warrant article petition from 10 to 25; or 1/6 of the registered voters, whichever is less, in towns of under 5,000 voters. In towns of 5,000 or more registered voters, one percent of the registered voters will be required. The bill reflects changes in every municipality's population since the original statute was adopted in 1785, and should also help keep town meeting business focused on matters that are relevant. Vote 10-6. Rep. Thomas E. Scharff for Municipal and County Government.

Rep. Scharff yielded to questions.

Ordered to third reading.

HB 1375-FN, relative to impact fee legislation. OUGHT TO PASS WITH AMENDMENT.

The Committee believes that this bill, which has been the subject of a lengthy and intense study, is long overdue. Local officials from cities and towns throughout New Hampshire have repeatedly requested the enactment of ENABLING legislation which provides guidelines for the establishment of fair and equitable impact fees. These guidelines would ensure that new development within a municipality pays its proportionate share of the cost of capital improvements necessitated by that new development. Should a municipality choose to adopt an Impact Fee Ordinance pursuant to the provisions of this enabling legislation, the Office of State Planning stands ready to assist in drafting such an ordinance.

The Department of Transportation testified that while it supports the bill, it would like to review several areas of State Highway Law and present a separate, more comprehensive bill dealing with that subject in the next legislative session. Accordingly, at the request of the Department of Transportation, the amendment deletes the provision which would have allowed the Department to assess state highway impact fees on development meeting certain threshold criteria. Testimony at the public hearing was overwhelmingly in favor of this legislation!! Vote 14-2. Rep. Karen O. Wadsworth for Municipal and County Government.

Rep. Lefebvre moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Wadsworth and Spear spoke against the motion and yielded to questions.

Reps. Emerton and George Katsakiores spoke in favor of the motion and yielded to questions.

Reps. McCain and Grodin spoke against the motion.

Rep. Parks spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 57

NAYS 292

YEAS 57 BELKNAP

Pearson, Ralph W.

CARROLL

Chandler, Gene G.

CHESHIRE

Cole, Kenneth A.

Delano, Robert F.

Hill, Douglas E.

COOS

Buckley, C. Fitzgerald, III

Merrill, Gerald

GRAFTON

Christy, C. Dana

Dow, David

Driscoll, William J.

LaMott, Paul I.

Markley, J. Keith

Rose, William B.

Shackett, Ralph E.

Stewart, Roger

HILLSBOROUGH

Alukonis, David J.

Dwyer, Patricia R.

Emerton, Lawrence

Foote, Herbert N., Sr.

Goulet, Maurice E.

Gureckis, Adam C., Sr.

King, John A.

Knight, Alice Tirrell

Lachut, Ervin R.

Lawrence, Norman B.

Lefebvre, Roland J.

Messier, Irene M.

Paquette, Rodolphe G.

Provost, Gilles R.

Rodgers, G. Philip

Upton, Barbara Allen

Wheeler, David K.

Wright, George W.

MERRIMACK

Smith, Gerald R.

ROCKINGHAM

Campbell, Marilyn R.

Dube, LeRoy S.

Fesh, Robert M.

Ford, Bert H.

Gage, Beverly A.

Haynes, Richard L.

Katsakiores, George N.

Katsakiores, Phyllis

MacDonald, Maurice B.

Palazzo, Frank J., Sr.

Remick, Barbara R.

Roulston, Donald L.

Schmidtchen, Rowland

Simon, Peter M.

Sochalski, Matthew M.

Stachowske, Vicki

Vartanian, Elsie

STRAFFORD

Kinney, Paula J.

Lachance, Douglas

Marston, Robert E.

Parks, Joe B.

Torr, Ralph W.

Tsiros, William

NAYS 292

BELKNAP

Bolduc, Dennis R.

Campbell, Richard H., Jr.

Golden, Paul A.

Hardy, Earle D.

Holbrook, Robert G.

Maviglio, Steven R.

Randall, Kenneth A.

Rice, Thomas, Jr.

Richardson, Lawrence

Rosen, Ralph J.

Salatiello, Thomas

Turner, Robert H.

Vogler, Charles C.

Ziegra, Alice S.

CARROLL

Allard, Nanci A.
 Foster, Robert W.
 Saunders, Howard N.

Daly, Robert J., Jr.
 MacDonald, Kenneth J.
 Wiggin, Allen R.

Dickinson, Howard C., Jr.
 Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
 Crutchley, Donald O.
 Gordon, Irvin H.
 LaMar, David M.
 Morse, Jo-Ann T.
 Pierce, David A.

Barber, Robert E., Jr.
 Doucette, Richard F.
 Grodin, Richard A.
 Laurent, John J.
 Pearson, Gertrude B.
 Sawyer, Alfred P.

Cole, Stacey W.
 Foster, Katherine Davis
 Hunt, John B.
 Metzger, Katherine H.
 Perry, David M.
 Spear, Susan

COOS

Brungot, Catherine V.
 Horton, Lynn C.
 Marsh, Beaton
 Oleson, Otto H.

Dumont, Robert E.
 Kilbride, Dennis J.
 Mayhew, Josephine
 Theriault, Romeo J.

Guay, Lawrence J.
 Lemire, George
 Nelson, Harold D.

GRAFTON

Adams, Carl S.
 Brown, Channing T.
 Densmore, Edward D.
 Nordgren, Sharon
 Townsend, Howard C.
 Weymouth, Philip H.

Arnesen, Deborah L.
 Chambers, Mary P.
 Hill, Richard L.
 Scanlan, David M.
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Bean, Pamela B.
 Copenhaver, Marion L.
 Larson, Nils H., Jr.
 Teschner, Douglass P.
 Ward, Kathleen W.
 White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
 Baldizar, Barbara J.
 Bicknell, Robert C.
 Burkush, Peter
 Culbert, Patrick
 Dionne, Paul R.
 Donovan, Francis X.
 Dyer, Merton S.
 Fields, Dennis H.
 Gagnon, Gabrielle V.
 Grip, Robert H.
 Hanselman, Gregory L.
 Hultgren, David D.
 Jean, Romeo W.
 Keefe, Edmund M.
 Kress, Gloria W.
 Leclerc, Charles J.
 Mason, Howard F.
 McNerney, Daniel P.
 Morrisette, Roland
 O'Rourke, JoAnne A.
 Pappas, Toni
 Pinatelli, Debora B.

Amidon, Eleanor H.
 Barry, Janet Gail
 Bowers, Dorothy C.
 Cote, David E.
 Daigle, Robert Arthur
 Dodge, Emma M.
 Drabinowicz, A. Theresa
 Dykstra, Leona
 Ford, Nancy M.
 Gerow, Sezen M.
 Haettenschwiller, A. A.
 Harlan, Susan N.
 Hunter, Bruce F.
 Jenkins, Mary
 Kelley, Robert N.
 Kurk, Neal M.
 Lown, Elizabeth
 McCann, Bonnie Lou
 McRae, Karen
 Murphy, Robert E.
 Ouellette, Robert O.
 Pepino, Leo P.
 Prestipino, Bartolo V.

Andrews, Frederick B.
 Barry, Vivian
 Brady, Carolyn L.
 Cowenhoven, Garret P.
 Desrochers, Gerard T.
 Domaingue, Jacquelyn
 Drolet, Paul L.
 Elliott, Larry G.
 Frank, Nancy G.
 Green, Scott E.
 Hall, Betty B.
 Holden, Carol H.
 Jasper, Shawn N.
 Johnson, Lionel W.
 Klose, John F.
 Lawrence, Eva M.
 Lozeau, Donnalee
 McDowell, James E.
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Packard, Bonnie B.
 Perham, Lester R.
 Record, Alice Barnard

Reidy, Frank J.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Steiner, Lee Anne
 Toomey, Daniel
 Vanderlosk, Stanley R.

Rheault, Lillian I.
 Sallada, Roland A.
 Smith, Leonard A.
 Stiles, Walter A.
 Turgeon, Roland M.
 Wihby, Linda S.

Riley, Frances L.
 Schneiderat, Catherine
 Spaloss, Henry F.
 Tarpley, Nancy L.
 Tyree, Paul M.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Gross, Caroline L.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Soldati, Jennifer
 Trombly, Rick A.

Apple, Lowell D.
 Beaton, Nancy
 Braiterman, Thea
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene
 Provencal, Leo A.
 Stio, Peter M.
 Whittemore, James A.

Barberia, Richard A.
 Bennett, J. Allen
 Carter, Susan D.
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Shaw, Randall F.
 Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
 Blanchard, MaryAnn N.
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Cooke, Annette M.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Hynes, Carolyn E.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 McKinney, Betsy
 Parsons, Robert F.
 Ritzo, Eugene
 Sherburne, John L.
 Sytek, Donna
 Warburton, Calvin
 Wells, Henry E.

Bell, Juanita
 Boucher, William Paul
 Bucu, Stephen
 Chase, Lawrence A., Jr.
 Cote, Patricia L.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoar, John, Jr.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Micklon, Stephanie K.
 Popov, Elizabeth M.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Weddle, Michael Rodney
 Weyler, Kenneth L.

Benton, Richardson D.
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Parr, Ednapearl F.
 Raynowska, Bernard J.
 Seward, Russell G.
 Splaine, John E., Sr.
 Vaughn, Charles L.
 Welch, David A.
 Wright, David B.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 O'Brien, John

Bernard, Mary E.
 Burton, Wayne M.
 Flynn, Edward J.
 Gilmore, Gary
 McCann, William H., Jr.
 Pelley, Janet R.

Bickford, Drucilla
 Dionne, Albert J.
 Foss, Patricia H.
 Keans, Sandra Balomenos
 Merrill, Amanda
 Scharff, Thomas Edward

Spencer, Leo J.
Swope, Warren L.
Wheeler, Katherine Wells

Stewart, Glenn W.
Torr, Ann M.
Young, John B.

Sullivan, Henry P.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
Krueger, Richard H.
Peyron, Fredrik
Stamatakis, Carol M.

Burling, Peter Hoe
Harland, Jane A.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

The substitute motion lost.

Amendment

Amend the bill by deleting section 13 and renumbering section 14 to read as 13.

AMENDED ANALYSIS

This bill authorizes certain municipalities to assess impact fees for new development. The bill describes methods for calculation, expenditure, administration, and refund of impact fees.

The bill also makes technical changes in existing law to provide municipalities with methods of adopting, filing and implementing impact fees.

Amendment adopted.

Ordered to third reading.

Reps. Hawkins and Flood abstained from voting under Rule 16.

HB 1130, relative to health and safety in rental property. REFER FOR INTERIM STUDY.

This bill has merit, but needs some critical changes with regard to qualifications and escrow accounts and general mechanics. Thus, the Committee feels that in the best interest of all the tenants and landlords in the state, this bill be held for interim study. Vote 12-2. Rep. Karen McRae for State Institutions and Housing.

Report adopted.

HB 1416-FN, relative to adoption of more stringent automobile emission standards. OUGHT TO PASS WITH AMENDMENT.

The Federal Government requires each state to establish rules regulating auto emission standards of new vehicles using either federal criteria or the California criteria. This bill authorizes the Commissioner of the Department of Environmental Services to adopt the latter commencing with the model year 1994. Vote 14-0. Rep. John L. Sherburne for Environment and Agriculture.

Rep. Greene moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass with Amendment.

Adopted.

HB 1438, relative to the goals and objectives for reduction of solid waste. INEXPEDIENT TO LEGISLATE.

The Committee agrees with the Environmental Protection Agency standards and goals which are source reduction, recycling, composting, incineration and landfilling. The Department of Environmental Services has accepted these standards and is putting together a workable schedule for the next decade that will be released within the next few weeks. Vote 15-0. Rep. John L. Sherburne for Environment and Agriculture.

Rep. Betty Hall moved that HB 1438 be recommitted to the Committee on Environment and Agriculture.

Adopted.

HB 1240-FN, relative to the purchase and distribution of drugs for the control of infectious diseases. **OUGHT TO PASS.**

This bill expands the types of items which may be purchased by the Division of Public Health Services to prevent the acquisition and spread of communicable disease from "biologicals" to "pharmaceutical agents." This change is necessary to include newer drugs which are non-biologicals. There will be no fiscal impact on state, county or local revenues or expenditures. Vote 13-0. Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs.

Ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Blanchard moved that the House reconsider its action whereby it killed HB 1255, relative to rent justification in manufactured housing parks, and spoke to her motion.

Rep. McRae spoke against the motion.

Rep. Lozeau spoke in favor of the motion and yielded to questions.

Rep. Whitcomb spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 138

NAYS 213

YEAS 138 BELKNAP

Golden, Paul A.
Salatiello, Thomas

Hawkins, Robert S.

Maviglio, Steven R.

CARROLL

Allard, Nanci A.
Wiggin, Allen R.

Daly, Robert J., Jr.

Dickinson, Howard C., Jr.

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine Davis
Pierce, David A.

Cole, Kenneth A.
Hunt, John B.
Spear, Susan

Doucette, Richard F.
Morse, Jo-Ann T.

COOS

Buckley, C. Fitzgerald, III
Lemire, George
Oleson, Otto H.

Dumont, Robert E.
Mayhew, Josephine

Guay, Lawrence J.
Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.
Larson, Nils H., Jr.
Townsend, Howard C.

Chambers, Mary P.
Guest, Robert H.
Nordgren, Sharon
Ward, Kathleen W.

Copenhaver, Marion L.
LaMott, Paul I.
Teschner, Douglass P.

HILLSBOROUGH

Alukonis, David J.
Barry, Vivian
Cote, David E.
Drabinowicz, A. Theresa

Andrews, Frederick B.
Bicknell, Robert C.
Daigle, Robert Arthur
Dwyer, Patricia R.

Baldizar, Barbara J.
Burkush, Peter
Donovan, Francis X.
Elliott, Larry G.

Fields, Dennis H.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Jenkins, Mary
Lachut, Ervin R.
Mason, Howard F.
Moore, Elizabeth A.
Ouellette, Robert O.
Pignatelli, Debora B.
Reidy, Frank J.
Toomey, Daniel

Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Harlan, Susan N.
Johnson, Lionel W.
Lefebvre, Roland J.
McCann, Bonnie Lou
Murphy, Robert E.
Packard, Bonnie B.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Tyree, Paul M.

Gerow, Sezen M.
Hall, Betty B.
Jean, Romeo W.
Keefe, Edmund M.
Lozeau, Donnalee
McDowell, James E.
O'Rourke, JoAnne A.
Pepino, Leo P.
Record, Alice Barnard
Smith, Leonard A.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Braiterman, Thea
Hall, Douglas E.
Provencal, Leo A.
Trombly, Rick A.

Apple, Lowell D.
Beaton, Nancy
Daneault, Gabriel
Jacobson, Alf E.
Shaw, Randall F.
Whittemore, James A.

Barberia, Richard A.
Bennett, J. Allen
Fillion, Paul R.
Pfaff, Terence R.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Boucher, William Paul
Conroy, Janet M.
Hynes, Carolyn E.
Katsakiores, Phyllis
McGovern, Cynthia A.
Popov, Elizabeth M.
Splaine, John E., Sr.

Bell, Juanita
Campbell, Eunice M.
Ford, Bert H.
Kane, Cecelia D.
Malcolm, Kenneth W.
McKinney, Betsy
Senter, Merilyn P.
Vaughn, Charles L.

Blanchard, MaryAnn N.
Chase, Lawrence A., Jr.
Hoar, John, Jr.
Katsakiores, George N.
McCain, William F.
Parsons, Robert F.
Sochalski, Matthew M.
Weddle, Michael Rodney

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Keans, Sandra Balomenos
Merrill, Amanda
Vincent, Francis C.

Bickford, Drucilla
Dionne, Albert J.
Lachance, Douglas
O'Brien, John
Wheeler, Katherine Wells

Brown, Julie M.
Gilmore, Gary
McCann, William H., Jr.
Spencer, Leo J.

SULLIVAN

Burling, Peter Hoe
Hinrichsen, Keith

Domini, Irene C.
Stamatakis, Carol M.

Harland, Jane A.

NAYS 213

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Rice, Thomas, Jr.
Turner, Robert H.

Campbell, Richard H., Jr.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Hardy, Earle D.
Randall, Kenneth A.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Chandler, Gene G.
Powers, Gerard E., Jr.

Foster, Robert W.
Saunders, Howard N.

MacDonald, Kenneth J.

CHESHIRE

Avery, Stephen G.
 Delano, Robert F.
 Hill, Douglas E.
 Metzger, Katherine H.
 Sawyer, Alfred P.

Cole, Stacey W.
 Gordon, Irvin H.
 LaMar, David M.
 Pearson, Gertrude B.

Crutchley, Donald O.
 Grodin, Richard A.
 Laurent, John J.
 Perry, David M.

COOS

Brungot, Catherine V.
 Marsh, Beaton

Horton, Lynn C.
 Merrill, Gerald

Kilbride, Dennis J.
 Theriault, Romeo J.

GRAFTON

Adams, Carl S.
 Christy, C. Dana
 Hill, Richard L.
 Scanlan, David M.
 Weymouth, Philip H.

Bean, Pamela B.
 Dow, David
 Markley, J. Keith
 Shackett, Ralph E.
 Whitcomb, Henry F., Jr.

Brown, Channing T.
 Driscoll, William J.
 Rose, William B.
 Stewart, Roger
 White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
 Bowers, Dorothy C.
 Culbert, Patrick
 Dodge, Emma M.
 Dyer, Merton S.
 Flood, Jacqueline J.
 Frank, Nancy G.
 Grip, Robert H.
 Hultgren, David D.
 Kelley, Robert N.
 Knight, Alice Tirrell
 Lawrence, Eva M.
 Lown, Elizabeth
 Messier, Irene M.
 Pappas, Toni
 Provost, Gilles R.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Upton, Barbara Allen
 Wihby, Linda S.

Amidon, Eleanor H.
 Brady, Carolyn L.
 Desrochers, Gerard T.
 Domaingue, Jacquelynn
 Dykstra, Leona
 Foote, Herbert N., Sr.
 Goulet, Maurice E.
 Healy, Daniel J.
 Hunter, Bruce F.
 King, John A.
 Kress, Gloria W.
 Lawrence, Norman B.
 McNerney, Daniel P.
 Morrisette, Roland
 Paquette, Rodolphe G.
 Rheault, Lillian I.
 Sallada, Roland A.
 Spaloss, Henry F.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.
 Wright, George W.

Barry, Janet Gail
 Cowenhoven, Garret P.
 Dionne, Paul R.
 Drolet, Paul L.
 Emerton, Lawrence
 Ford, Nancy M.
 Green, Scott E.
 Holden, Carol H.
 Jasper, Shawn N.
 Klose, John F.
 Kurk, Neal M.
 Leclerc, Charles J.
 McRae, Karen
 Nardi, Theodora P.
 Perham, Lester R.
 Riley, Frances L.
 Schneiderat, Catherine
 Steiner, Lee Anne
 Turgeon, Roland M.
 Wheeler, David K.

MERRIMACK

Boucher, Laurent J.
 Fair, Patricia A.
 Gross, Caroline L.
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Phelps, James D.
 Teague, Bert

Carter, Susan D.
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Holmes, Mary C.
 Lewis, Mary Ann
 Nichols, Avis B.
 Smith, Gerald R.

Dunn, Miriam
 Gilbreth, Robert M.
 Hayes, Robert C.
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene
 Stio, Peter M.

ROCKINGHAM

Benton, Richardson D.
 Bucu, Stephen
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Johnson, Robert A.
 Klemm, Arthur P., Jr.
 MacDonald, Maurice B.
 Magoon, Harold F.
 Parr, Ednapearl F.
 Ritzo, Eugene
 Schmidtchen, Rowland
 Simon, Peter M.
 Sytek, Donna
 Warburton, Calvin
 Weyler, Kenneth L.

Brown, Jeffrey M.
 Campbell, Marilyn R.
 Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Haynes, Richard L.
 King, Roger C.
 Lovejoy, Virginia K.
 MacKinnon, Nancy W.
 McCarthy, John James, Jr.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.
 Wright, David B.

Brown, Lewis W.
 Caswell, Albert, Jr.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.
 Mace, Ada L.
 Palazzo, Frank J., Sr.
 Remick, Barbara R.
 Scamman, W. Douglas, Jr.
 Sherburne, John L.
 Stachowske, Vicki
 Vartanian, Elsie
 Wells, Henry E.

STRAFFORD

Bernard, Mary E.
 Foss, Patricia H.
 Marston, Robert E.
 Pelley, Janet R.
 Sullivan, Henry P.
 Tsiros, William

Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 Scharff, Thomas Edward
 Swope, Warren L.
 Young, John B.

Flynn, Edward J.
 Kinney, Paula J.
 Parks, Joe B.
 Stewart, Glenn W.
 Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.
 and reconsideration lost.

Flint, Gordon B.
 Middleton, John A.
 Schotanus, Merle W.,

Krueger, Richard H.
 Peyron, Fredrik

Rep. Ann Torr abstained from voting under Rule 16.

(Speaker in the Chair)

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 8 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HCR 15, supporting multi-cultural and multi-ethnic education for New Hampshire students.

HB 1068, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds.

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil.

HB 1029, relative to the sale of venison by licensed propagators.

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system.

HB 1200-FN, to change the name of the governor's commission for the handicapped.

HB 1240-FN, relative to the purchase and distribution of drugs for the control of infectious diseases.

HB 1304-FN, establishing a committee to study mobile health care units.

HB 1169, establishing a committee to study drug and alcohol testing in the workplace.

HB 1285, relative to agricultural labor and unemployment compensation.

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District.

HB 1122, establishing a study committee on the best use of the Kona Wildlife Area in the town of Moultonborough.

HB 1197, to identify individual contributors to political campaigns.

HB 1427-FN, relative to the recycling logo.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant.

HB 1375-FN, relative to impact fee legislation.

SUSPENSION OF RULES

Rep. Hager moved that the Rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on HBs 1406, 1118, 1182 and 1250 without the required notice.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 5:15 p.m.

HOUSE JOURNAL No. 10

Thursday, February 8, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend C. Edward Claus, United Methodist Church of the Hamptons, North Hampton, guest of Rep. Kenneth Malcolm.

Eternal God, You have called us, as You call all our sisters and brothers, to a special task in this, our corner of the world. You have entrusted us with Your creation; to nurture it, to be caretakers of it; when the time comes, to pass it on to our children and grandchildren in better condition than we received it.

We have been given much and we are grateful. But we so often take our gifts for granted while our sisters and brothers struggle with basic human needs.

God of love and mercy, forgive us for taking our daily gifts for granted. We sleep in comfort while our shelters are crowded and men, women and children sleep on the pavement. We awakened this morning with a purpose. Many had no reason to arise. We dine luxuriously and waste food while others have little to eat. Lord, most of us have more than enough of everything, many never have enough of anything. Forgive us for ingratitude. Receive our thanks for our calling. Make us better stewards, O God; make us better servants of the people in our neighborhoods and across this state.

We celebrate the gift of pluralism, differences of thought. Teach us respect and tolerance for one another so that we do not shut the doors of our minds, spirits to those who differ from us. Empower us to do what is right and just not only expedient. Help us to know that so we serve one another conscientiously we are better serving You. It is in Your name and spirit that we pray. Amen.

Posting of colors by Boy Scouts of America.

Rep. Katherine Wheeler led the Pledge of Allegiance.

INDIAN CEREMONY BY ORDER OF ARROW

The Chair introduced distinguished scouter Max Silber of Nashua.

LEAVES OF ABSENCE

Reps. Bickford, Julie Brown, Patricia Cote, A. Gibb Dodge, Eaton, Kincaid, Kuchinski, Maurice MacDonald, Pratt, Sanderson, Soucy, Wall and Willard Young, the day, illness.

Reps. Lionel Boucher, Bourque, Callaghan, Densmore, Drake, LaMott, Locke, Parsons, William McCann, McRae, Olimpio, O'Rourke, Stamatakis, West and Weyler, the day, important business.

Rep. Biondi, the day, illness in the family.

INTRODUCTION OF GUESTS

William Phinney, Bristol Selectman, State Conservation Officer, guest of Rep. Shackett; Sharon Ricka, Anne Smilari, Frances Petroski, Jeanie Lindsay and Olive Marcinkowski, guests of Merrimack Delegation; Ronald Wallace, husband of Ann Wallace, Speaker's Office and Curtis Edmonds, husband of Janice Edmonds, Deputy Speaker's Office, guests of Deputy Speaker Harold W. Burns; Priscilla Brown, wife and guest of Rep. Lewis Brown; Jill D. Preston and Robert F. Preston, daughter, son-in-law and guests of Rep. Barbara Remick.

SENATE MESSAGES REQUESTS CONCURRENCE

SB 309-FN-A, establishing a New Hampshire Heritage Trail.

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor.

SB 316-FN-A, relative to the governor's education improvement program.

SB 333-FN-A, making a supplemental appropriation to aid the sensory impaired.

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

SB 349-FN, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues.

SB 386, relative to the use of public water by the town of Lincoln and by Loon Mountain Recreation Corporation.

SB 400-A, increasing the appropriation for constructing regional vocational education centers.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 309, 313, 316, 333, 346, 349, 386 and 400 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 309-FN-A, establishing a New Hampshire Heritage Trail. (Resources, Recreation and Development)

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor. (Public Works)

SB 316-FN-A, relative to the governor's education improvement program. (Education)

SB 333-FN-A, making a supplemental appropriation to aid the sensory impaired. (Appropriations)

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Executive Departments and Administration)

SB 349-FN, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues. (Education)

SB 386, relative to the use of public water by the town of Lincoln and by Loon Mountain Recreation Corporation. (Resources, Recreation and Development)

SB 400-A, increasing the appropriation for construction regional vocational education centers. (Public works)

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1039, relative to a bingo fee, was removed at the request of Rep. Betty Hall.

HB 1057, relative to a fee for lucky 7 tickets, was removed at the request of Rep. Betty Hall.

Rep. Scamman addressed the House as follows:

Well, today is the day! I have thought a lot about it and I decided to take the floor this afternoon to ask for your support in passing the revenue package recommended by the Ways and Means Committee. This is the other half of our budget package which has consumed so much of our thoughts and energies during these past weeks. We passed the budget reduction package last week and now we need to fund the remainder of the shortfall.

I want to take a moment and directly address the conservative Republicans who are sitting here. I consider myself one of you. I share your concerns about keeping the size of state government in check and I would say this: no one here has done more budget cutting in his time than I have. But it makes no sense to me to have voted against the budget reduction act last week and again vote against the final part of the process to balance the budget today. As conservative Republicans, we have to have an answer. We have to balance the budget. The House passed the budget reduction act last week. The only responsible course we can take today, in accordance with the New Hampshire tradition, is to pass those measures necessary to produce a balanced budget.

Some of you say the budget can be cut more. I have continually said, "Show me."

In fact, a few ideas we passed on to the Senate after the budget passed here. They were very minor, but we are certainly continually open to considerations. We will sit down and talk with anyone who wishes to put forward an idea and try to work it through in a reasonable manner.

New Hampshire has one of the lowest per-capita expenditures of any state in the union. That ranking was achieved even before the Appropriations Committee cut out \$69 million from our budget that we authorized last year. The revenue bills we present today, that is, what the Ways and Means Committee presents today, maintains New Hampshire's lean approach to government while continuing to meet the basic needs of our citizens.

To my Democrat friends, and I think I have many here, let me say this. Don't undermine the most important precept of our government; participation in the process. Make a judgment today. Will you abandon the state programs you are concerned about or do you want to shift the burden of payment from the state to the communities? Your vote counts just as much as a Republican vote and I ask for your support as all of us try to meet our elected obligations.

You know, in my years in this Legislature, I've always said the most important precept in our form of government is minority rights. I believe that very strongly. If for some reason the majority tends to throttle the minority, does not allow it to bring new ideas, we throttle the basic concept of our government. I ask you people, don't do that to the process. Don't just say no and not participate in the process, because you are undermining the basic precept of our government by yourselves. We have tried to keep the door open.

That is the basic precept in my mind, but the other side of that is that the majority rules. We, as a majority—all of us in the majority party—must go forward and make our decisions. Both parties have the responsibility to pass into law a balanced budget reflecting the best that the Legislature as a whole can create.

It is our obligation to live up to this New Hampshire tradition and once again lead the nation by balancing the budget even in difficult times. It is our obligation to live up to this tradition and pass these bills today.

These issues are bigger than party or personal political objectives. Today, we must all be statesmen. Reductions in expenditures have been made that are just short of

cutting into the bone. The time has come to enact these revenue measures necessary to achieve the balance.

To all of you, I ask that you face your obligations as legislators to vote responsibly today. Put the political considerations aside and face your responsibilities.

In the package of taxes which we have before us, I want to remind you that five of them are for 15 months only. The reason they are only for 15 months is very clear in my mind. I want to make sure that we all understand that. The Business Profits Tax is very cyclical when we have a downturn or when we have an upturn. When you have a downturn, as has been explained here before—and it was certainly explained on Tuesday—the people get a reimbursement for money they have already paid in and then they pay less on a quarterly basis in the same year, so we get a double whammy. That is why the profits tax dropped so drastically from \$149 million to \$110 million.

If you believe as I do that the economy a year from now will be turned around and we will start on an upswing, we get that double whammy going up. The profits tax will regenerate and go back to the level it was before, if not even higher. It has been done many times since we enacted that statute. I was here when the statute was enacted.

We don't need these extra taxes, these small little taxes, for more than 15 months. That's why they are enacted. They will not be needed next time when the Legislature meets. Please keep that in mind as you vote.

We are doing it to solve the immediate problem we have now and the immediate problem we have now will be resolved by our tax bills we have on the regular schedule. I know that the Ways and Means Committee is planning to study how it can broaden the profits tax so that this won't happen in the future.

The tax bills we are facing today do not represent a shopping list that we can pick and choose from. We need the revenue from all of these bills to get a balanced budget. If we cannot get this total revenue, further cuts will have to be made. These cuts will have to come from direct services to citizens or aid to counties, cities, towns and school districts. We will be failing to meet our state responsibilities.

Many will find things they don't like in this list of taxes. I ask that you remember that opposition can be found for any specific tax. But, it is essential that we look at the whole package and understand that it is necessary to take the bitter with the not-so-bitter.

Our system is based on effective compromise, on give and take. The result of these deliberations is a state budget that supports our frugal approach to government while we continue down the road of fiscal responsibility.

As I said before, on a per-capita basis, we spend less or almost as little as any state in the Union. That computation was done before we made the further cuts in the budget. I think we, as a Legislature, can be proud of what we have done. In HB 1500, as it was passed here, we still have the top or the next-to-best mental health delivery system in the United States. We are still funding our prison at a level that will take care of our duties and our criminals and we are not under court order.

We are meeting our basic needs of the people certainly better than many of the states in this country, even at the level that we passed HB 1500. I urge you, in the name of all of the citizens of New Hampshire, to vote in favor of the Ways and Means package set before you today. Thank you.

REGULAR CALENDAR**HB 1504-FN-A**, increasing the tobacco tax. OUGHT TO PASS.

The bill raises the Tobacco Tax from 21 cents to 25 cents per package of cigarettes. It is anticipated this will raise state revenues by \$8.5 million for this biennium. Vote 12-4. Rep. Donna P. Sytek for Ways and Means.

Rep. Gross spoke in favor of the report.

A roll call was called for. Sufficiently seconded.

(Speaker in the Chair)**YEAS 281****NAYS 63****YEAS 281****BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Chandler, Gene G.
MacDonald, Kenneth J.
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Gordon, Irvin H.
LaMar, David M.
Metzger, Katherine H.
Perry, David M.

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
Laurent, John J.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Foster, Katherine Davis
Hunt, John B.
Matson, William R.
Pearson, Gertrude B.
Young, David A.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Guest, Robert H.
Nordgren, Sharon
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
Chambers, Mary P.
Driscoll, William J.
Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Beaupre, Roland O.
Cote, David E.

Alukonis, David J.
Barry, Janet Gail
Bicknell, Robert C.
Cowenhoven, Garret P.

Amidon, Eleanor H.
Barry, Vivian
Bowers, Dorothy C.
Cox, Gladys M.

Daigle, Robert Arthur
 Donovan, Francis X.
 Dyer, Merton S.
 Fields, Dennis H.
 Frank, Nancy G.
 Gureckis, Adam C., Sr.
 Harlan, Susan N.
 Jean, Romeo W.
 Kelley, Robert N.
 Kress, Gloria W.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Perham, Lester R.
 Rheault, Lillian I.
 Sallada, Roland A.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Upton, Barbara Allen
 Wright, George W.

Dionne, Paul R.
 Drolet, Paul L.
 Dykstra, Leona
 Flood, Jacqueline J.
 Goulet, Maurice E.
 Haettenschwiller, A. A.
 Healy, Daniel J.
 Jenkins, Mary
 Klose, John F.
 Lachut, Ervin R.
 Lown, Elizabeth
 McNerney, Daniel P.
 Murphy, Robert E.
 Pappas, Toni
 Prestipino, Bartolo V.
 Riley, Frances L.
 Schneiderat, Catherine
 Steiner, Lee Anne
 Turgeon, Roland M.
 Vanderlosk, Stanley R.

Dodge, Emma M.
 Dube, Ellen C.
 Emerton, Lawrence
 Ford, Nancy M.
 Grip, Robert H.
 Hanselman, Gregory L.
 Holden, Carol H.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lawrence, Eva M.
 Mason, Howard F.
 Messier, Irene M.
 Nardi, Theodora P.
 Paquette, Rodolphe G.
 Record, Alice Barnard
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Tyree, Paul M.
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Braiterman, Thea
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Smith, Gerald R.
 Teague, Bert
 Whittemore, James A.

Apple, Lowell D.
 Beaton, Nancy
 Carter, Susan D.
 Fillion, Paul R.
 Gross, Caroline L.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Soldati, Jennifer
 Trombly, Rick A.

Barberia, Richard A.
 Boucher, Laurent J.
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene
 Provencal, Leo A.
 Stio, Peter M.
 Wallner, Mary Jane

ROCKINGHAM

Benton, Richardson D.
 Buco, Stephen
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.

Blanchard, MaryAnn N.
 Campbell, Eunice M.
 Cooke, Annette M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.

Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Haynes, Richard L.
 Hollingworth, Beverly A.
 Kane, Cecelia D.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.

Magoon, Harold F.
 McCarthy, John James, Jr.
 Micklon, Stephanie K.
 Remick, Barbara R.
 Seward, Russell G.
 Skinner, Patricia M.
 Sytek, Donna
 Vaughn, Charles L.
 Wells, Henry E.

Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Parr, Ednapearl F.
 Roulston, Donald L.
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Warburton, Calvin
 Wright, David B.

McCain, William F.
 McKinney, Betsy
 Popov, Elizabeth M.
 Senter, Merilyn P.
 Simon, Peter M.
 Splaine, John E., Sr.
 Vartanian, Elsie
 Welch, David A.

STRAFFORD

Appleby, James E.
 Dionne, Albert J.
 Foss, Patricia H.
 Kinney, Paula J.
 Merrill, Amanda
 Pelley, Janet R.
 Sullivan, Henry P.
 Torr, Ralph W.

Bernard, Mary E.
 Flynn, Anita A.
 Gilmore, Gary
 Marston, Robert E.
 Musler, George T.
 Scharff, Thomas Edward
 Swope, Warren L.
 Wheeler, Katherine Wells

Burton, Wayne M.
 Flynn, Edward J.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Parks, Joe B.
 Stewart, Glenn W.
 Torr, Ann M.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 MacAskill, Kenneth M.
 Schotanus, Merle W.

Burling, Peter Hoe
 Hinrichsen, Keith
 Middleton, John A.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

NAYS 63

BELKNAP

Maviglio, Steven R.

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
 Hill, Douglas E.

Cole, Kenneth A.
 Pierce, David A.

Doucette, Richard F.
 Spear, Susan

COOS

Nelson, Harold D.

Theriault, Romeo J.

Woodburn, Jeffrey R.

GRAFTON

Dow, David

Markley, J. Keith

HILLSBOROUGH

Baldizar, Barbara J.
 Culbert, Patrick
 Drabinowicz, A. Theresa
 Foote, Herbert N., Sr.
 Green, Scott E.
 Hunter, Bruce F.
 King, John A.
 Leclerc, Charles J.
 Morrisette, Roland

Brady, Carolyn L.
 Desrochers, Gerard T.
 Dwyer, Patricia R.
 Gagnon, Gabrielle V.
 Hall, Betty B.
 Jasper, Shawn N.
 Kurk, Neal M.
 Lozeau, Donnalee
 Ouellette, Robert O.

Burkush, Peter
 Domaingue, Jacquelyn
 Elliott, Larry G.
 Gerow, Sezen M.
 Hultgren, David D.
 Johnson, Lionel W.
 Lawrence, Norman B.
 McDowell, James E.
 Pepino, Leo P.

Pignatelli, Debora B.
Toomey, Daniel

Provost, Gilles R.
Wheeler, David K.

Reidy, Frank J.

MERRIMACK

Bennett, J. Allen

Daneault, Gabriel

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Raynowska, Bernard J.
Stachowske, Vicki

Bell, Juanita
Palazzo, Frank J., Sr.
Ritzo, Eugene
Weddle, Michael Rodney

Brown, Jeffrey M.
Pantelakos, Laura C.
Schmidtchen, Rowland

STRAFFORD

O'Brien, John
Vincent, Francis C.,

Spencer, Leo J.

Tsiros, William

SULLIVAN

None

and the bill was ordered to third reading.

Reps. Rodeschin and Shaw wished to be recorded in favor of the report.

HB 1503-FN, relative to certain general fund fees and revenues, solid waste transporter permits, registration decals for docks, floats and swim rafts and certification of wastewater treatment plant operators. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, increases fees for a variety of services provided by the Department of Environmental Services to more closely approach the actual cost of providing these services. Local and state governments are exempted in most cases. Revenue from DES fees is estimated at \$1.7 million.

Fees and charges in state parks are increased by an average of 25 percent and the parking at Hampton Beach will go from 60 cents to \$1 per hour. Revenue from these charges is estimated at \$1.13 million.

The bill also imposes a processing charge of 96 cents per case of liquor sold by the Liquor Commission, and allows the Commission to impose administrative fines. Revenue from these measures is about \$3.7 million.

Corporate franchise fees charged by the Secretary of State are increased to yield \$2.3 million in additional revenue.

Dock decal fees and liquor fees have been amended out of this bill. The whole package will produce \$8.83 million in new revenue for the biennium. Vote 15-1. Rep. Donna P. Sytek for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certain general fund fees and revenues and certification
of wastewater treatment plant operators.

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking Added. Amend RSA 131:3-a, II to read as follows:

II. Analyses required by the Safe Drinking Water Act, including all of the annual inorganic, organic, radiological, and complete analyses for community public water systems, per source, per year \$475.00. *The commissioner of environmental services shall adopt rules under RSA 541-A to determine the actual cost of individ-*

ual categories of tests within the above overall fee, and establish fees not exceeding 125 percent of such costs.

2 Underground Storage Facility Permit Fees. Amend RSA 146-C:4, II to read as follows:

II. The division shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times. Permits shall be valid for a period of 5 years, *except as provided in paragraph III.*

III. A permit fee of \$70 per year shall be paid to the division by the owner or operator of each permitted facility, except for facilities owned by state and local governments, including counties, and school districts, in the manner described below. All fees shall be deposited with the state treasurer as unrestricted revenue. Permit fees shall be calculated as follows:

(a) Facilities with existing permits in Hillsborough county shall have a permit expiration date of April 30, 1991. A fee of \$70 for 1990 shall be paid to the division on or before September 30, 1990.

(b) Facilities with existing permits in Merrimack and Belknap counties shall have a permit expiration date of April 30, 1992. A fee of \$140 for 1990 and 1991 shall be paid to the division on or before April 30, 1991.

(c) Facilities with existing permits in Rockingham county shall have a permit expiration date of April 30, 1993. A fee of \$210 for 1990 - 1992 shall be paid to the division on or before September 30, 1991.

(d) Facilities with existing permits in Coos, Carroll, and Grafton counties shall have a permit expiration date of April 30, 1994. A fee of \$280 for 1990 - 1993 shall be paid to the division on or before April 30, 1992.

(e) Facilities with existing permits in Cheshire, Sullivan, and Strafford counties shall have a permit expiration date of September 30, 1995. A fee of \$350 for 1990 - 1994 shall be paid to the division on or before September 30, 1993.

(f) For new facilities, the permit shall expire 5 years from the last day of the month in which the permit was issued. A fee of \$350 shall be paid upon submission of the permit application. If for any reason the permit is denied, the fee shall be returned or refunded.

(g) The fee for permit renewals shall be the same as the fee for new permits.

3 New Paragraph; New Underground Storage Facilities; Fee Required. Amend RSA 146-C:7 by inserting after paragraph I the following new paragraph:

I-a. Any person, except state and local governments, including counties, and school districts, submitting plans and specifications for a new facility shall pay to the division a fee of \$100. Such fee shall be for reviewing such plans and specifications and for making inspections during installation. The fees shall be deposited with the state treasurer as unrestricted revenues.

4 New Paragraph; Rulemaking. Amend RSA 146-C:9 by inserting after paragraph VIII the following new paragraph:

IX. Procedures for collection of fees under RSA 146-C:4, III.

5 Hazardous Waste Transporter Fee Increased. Amend RSA 147-A:6, II to read as follows:

II. A permit application fee of [\$100] **\$200 per year** plus [\$25] **\$50** for each vehicle listed in the application form, including trailers, flat beds, and barges, shall

accompany each permit and permit renewal application. The division of waste management shall refund the individual vehicle fees if the application is denied.

6 Validity of Transporter Permits. Amend RSA 147-A:6, IV to read as follows:

IV. If the application is approved, a transporter permit shall be issued for one year, *except as otherwise provided in this paragraph until all permits are valid for 3 years*, subject to modification, suspension or revocation by the division of waste management[.]:

(a) *Existing permit numbers TNH-0001 to 0046 shall be valid for 3 years, effective upon the effective date of this subparagraph.*

(b) *Existing permit numbers TNH-0047 to 0094 shall be valid for 3 years, effective one year from the effective date of this subparagraph.*

(c) *Existing permit numbers TNH-0095 to 0139 shall be valid for 3 years, effective 2 years from the effective date of this subparagraph.*

(d) *All new permits shall be valid for 3 years.*

7 Hazardous Waste Fee Increased; Cap Removed. Amend RSA 147-B:8, I to read as follows:

I. Every generator of hazardous waste located in this state who generates in a 3 month period 300 kilograms (661.5 pounds) or more of unrecycled hazardous waste shall pay a quarterly hazardous waste generator fee to the division of waste management. The quarterly fee on such waste shall be no more than [\$.04] **\$.066** per kilogram (\$.018) **\$.03** per pound). Every generator described in this paragraph shall pay a minimum fee of \$50 per quarter. [No generator shall be required to pay more than \$6,000 per quarter.]

8 Fee for Waste Management Training Course Increased. Amend RSA 149-M:10, III-a to read as follows:

III-a. No person shall operate or construct a public or private facility after [the effective date of this paragraph] **June 29, 1988**, who has not completed a training course established and administered by the division under rules adopted under RSA 541-A. The registration fee for such course shall not exceed [\$25] **\$50** per attendee.

9 New Paragraph; Liquor Commission; Administrative Fines Added. Amend RSA 178:13 by inserting after paragraph III the following new paragraph:

IV. The commission shall cause frequent inspections to be made of all the premises with respect to which any license has been issued under the provisions of this title. If any licensee violates any of the provisions of law or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony or otherwise fails to carry out in good faith the purposes of this title the license of such licensee may be suspended by the commission without hearing, and may be revoked after notice and hearing. Notwithstanding any other provisions of this chapter, the commission, in its discretion, may impose a fine of a specific sum, which shall not be less than \$100 nor more than \$5,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

10 Resources and Economic Development; Fee Increases.

I. The division of parks and recreation shall increase parking meter fees at Hampton Beach to reflect parking fees of at least \$1 per hour. Such increased fees shall take effect 30 days after the effective date of this section.

II. The division of parks and recreation shall increase user fees and charges by an average of 25 percent. Such increased fees shall take effect April 1, 1990.

11 Dam Registration Fees Increased. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the division of water resources on [the anniversary of an existing registration] ***March 1 of each calendar year.*** [In instances where a new registration is made, the anniversary fee shall be due on September 1 of each calendar year.] Failure to pay the registration fee shall be considered a violation of RSA 482:11. Yearly dam registration fees based on the following dam classification shall be as follows: Class AA = [\$10] **\$20**; Class A = [\$25] **\$50**; Class B = [\$100] **\$200**; Class C = [\$150] **\$300**. Revenues from this annual registration are to be collected by the division and [used to reduce and offset general fund expenditures for the dam safety section of the water resources bureau] ***deposited in the dam maintenance fund established in RSA 482:55.***

12 Filing Fee Increased. Amend RSA 482:9, II to read as follows:

II. The filing of the statement required by paragraph I shall be accompanied by a filing fee of [\$25] **\$150** for each statement filed. The fee shall be deposited in the general fund as unrestricted revenue.

13 Permit Fees for Excavating and Dredging Permits. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the wetlands board. The permit application shall be sent to the wetlands board and shall be accompanied by a filing fee. The permit application fee shall be [\$25] **\$50** for minimum impact projects[, \$100 for minor projects, and \$300 for major projects]. ***Fees for minor and major projects shall be assessed based on the area of dredge or fill proposed and the number of boat slips requested. The rates shall be \$100 per boat slip and \$0.025 per square foot.*** At the time of filing with the wetlands board, said person shall also file 3 copies of the permit application, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk. The town or city clerk shall immediately send a copy of the permit application to the selectmen, mayor or city manager, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$2. The copies of the permit application shall be made reasonably accessible to the public. ***Revenues shall be collected by the division and used to reduce and offset general fund expenditures of the wetlands bureau.***

14 Filing Fee Increased. Amend RSA 482-A:3, V(c) to read as follows:

(c) A [\$10] **\$25** filing fee shall accompany the notice to the wetlands board. Such fees shall be held in accordance with paragraph III.

15 Prequalification Fees for Licensed Engineers Required. Amend RSA 485-A:4, XIII to read as follows:

XIII. To establish rules governing the prequalification of consulting engineers employed in the planning and construction of public water supply and pollution control projects. ***Any licensed engineering firm seeking initial prequalification shall pay to the division a fee of \$200. Prequalification shall be renewed annually and shall be accompanied by a \$50 renewal fee. These fees shall be deposited with the***

state treasurer as unrestricted revenue. The division is further empowered to prescribe the contract award procedures to be followed in the awarding of construction contracts involving state financial assistance.

16 New Paragraphs; Fee Required for Permit to Discharge Additional Sewage or Industrial Wastes and for Pretreatment of Industrial Wastes. Amend RSA 485-A:4 by inserting after paragraph IX-a the following new paragraphs:

IX-b. Any person submitting a request to the division, not accompanied by plans and specifications, for a permit to discharge additional sewage or industrial wastes to a municipal sewer system shall pay to the division a fee of \$50. The request, accompanied by the fee, shall be submitted through, and approved by, the affected municipality. This fee shall not apply to municipalities, counties, state agencies, or school districts. These fees shall be deposited with the state treasurer as unrestricted revenue.

IX-c. Any person submitting plans and specifications to the division for the construction or installation of facilities for the pretreatment of industrial wastes shall pay to the division a permit fee of \$1,000. The discharge permit request, accompanied by the plans and specifications and the fee, shall be submitted through and approved by the affected municipality. This fee shall not apply to municipalities, state agencies, or school districts. These fees shall be deposited with the state treasurer as unrestricted revenue.

17 New Subdivision; Wastewater Treatment Plant Operator Certification. Amend RSA 485-A by inserting after section 7 the following new subdivision:

Wastewater Operator Certification

485-A:7-a Application.

I. Any operator, except state and local governments, including counties, and school districts, of a wastewater treatment plant seeking certification or to increase his level of certification shall file an application with the certification committee at least 6 weeks prior to the next examination date on a form provided by the division.

II. All applications shall be accompanied by a \$50 fee to cover division expenses for conducting the certification program. All fees shall be deposited with the state treasurer as unrestricted revenue.

III. Any applicant failing the examination shall be allowed one retest at the same certification level at no additional cost to the applicant.

485-A:7-b Examinations. The division shall prepare written examinations to determine the knowledge, ability, and judgment of operators. Such examinations shall be administered in accordance with rules adopted by the division pursuant to RSA 485-A:6.

485-A:7-c Issuance of Certificates.

I. Upon satisfactory completion by an applicant of the established requirements, the division shall issue to the applicant a suitable certificate designating the applicant's competency. The certificate shall indicate the level of operation for which the operator is qualified. The certificate shall remain in effect for 2 years from the date of issuance.

II. Certificates shall be renewed biennially and shall be accompanied by a \$50 renewal fee, which shall be deposited pursuant to RSA 485-A:7-a, II.

III. Certificates may be issued, upon payment of the \$50 fee, without examination, for a comparable classification to any person actively seeking employment in New Hampshire who holds a certificate issued by the appropriate certification agency of any federal, state, interstate, territorial, or other jurisdiction if, in the judgment of

the committee, the certification requirements of the jurisdiction granting such certification do not conflict with the division's rules and are not less stringent than rules adopted under this subdivision. The fee shall be deposited pursuant to RSA 485-A:7-a, II.

485-A:7-d Revocation. The division may suspend or revoke the certificate of an operator under rules adopted pursuant to RSA 485-A:6.

18 Fee Required; Swimming Pools and Bathing Places. Amend RSA 485-A:26 to read as follows:

485-A:26 Swimming Pools and Bathing Places. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. *A fee of \$100 shall be paid to the division upon submission of such plans for review. Fees collected under this section shall be deposited with the state treasurer as unrestricted revenue.* The division shall adopt rules relative to safety standards to protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of local health officers or the division of public health services, department of health and human services, with respect to nuisances.

19 New Section; Groundwater Permit Fee. Amend RSA 485-A by inserting after section 13 the following new section:

485-A:13-a Groundwater Permit Fee. Any person, except for state, and local governments, including counties, and political subdivisions, issued a groundwater permit under RSA 485-A:13, I(a) shall pay to the division a fee of \$1,000 for the 5-year permit. Said fee shall be for processing such permits, including any necessary inspections and monitoring performed by the division in enforcing the terms and conditions of such permits. The fees shall be deposited with the state treasurer as unrestricted revenue.

20 New Paragraph; Increased Fees. Amend RSA 293-A:134, II and III to read as follows:

II. A fee of [\$75] **\$100** for filing an annual report of a domestic or foreign corporation; and

III. *Except as provided in paragraph IV*, a fee of \$15 for filing any other articles, statement, application, document, or report, of a domestic or foreign corporation.

IV. *A fee of \$25 for registering or renewing a corporate name under RSA 293-A:10 or 293-A:11.*

21 Fees Increased. Amend RSA 293-A:138 to read as follows:

293-A:138 Franchise Fees Payable by Domestic Corporations. For the privilege of continuing its corporate franchise, every domestic corporation shall pay annually to the secretary of state, at the time of making its annual return, a franchise fee equal to the license fee paid upon filing its original articles of incorporation plus an amount equal to any additional license fees for increases in its authorized capital stock, if any. In case the authorized capital stock is reduced, the annual franchise fee shall be equal to the amount which would have been required for the original license fee of a corporation capitalized at the amount as reduced. In no case, however, shall the annual franchise fee be more than \$2,000 or less than [\$60] **\$100**; and it shall not be required of any corporation which on April 1 of any year shall not have been incorporated more than 6 months.

22 Fees Increased. Amend RSA 293-A:139 to read as follows:

293-A:139 Franchise Fees Payable by Foreign Corporations. For the privilege of continuing to exercise its authority to transact business in this state, every foreign corporation authorized to transact business in this state shall pay annually to the secretary of state, at the time of making its annual return, a franchise fee of [\$200] **\$300**. In no case, however, shall the annual franchise fee be required of any such corporation which on April 1 of any year shall not have been registered to transact business in the state for 6 months.

23 Liquor Commission; Processing Charge. The liquor commission shall, for the biennium ending June 30, 1991, impose a processing charge of \$.96 per case on each case of liquor, as defined in RSA 175:1. The charge shall be in addition to the commission's regular markup, shall be prorated over the number of units in each case, and shall be paid to the treasurer by the commission on the first day of the month following the month in which the merchandise has been sold by the commission.

24 Statement of Policy. The general court recognizes that the state of New Hampshire undertakes considerable expenditures for the management of solid waste disposal within its borders and further recognizes that a substantial portion of the solid waste being disposed of in New Hampshire originates in jurisdictions other than New Hampshire. Therefore, the general court hereby determines that it is appropriate that persons disposing of solid waste in New Hampshire that is generated out-of-state contribute their fair share to the cost of the state's management of the disposal of solid waste within New Hampshire.

25 New Paragraph; Definition Added. Amend RSA 149-M:1 by inserting after paragraph XI the following new paragraph:

XI-a. "Out-of-state solid waste" means solid waste generated or originating outside the borders of the state.

26 New Paragraph; Surcharge for Out-of-State Solid Waste. Amend RSA 149-M:3 by inserting after paragraph IV-a the following new paragraph:

IV-b. Assess a surcharge in the amount of \$1 per ton on the disposal of out-of-state solid waste, the proceeds of which shall be collected by the division and used to reduce and offset general fund expenditures for solid waste management;

27 New Subparagraph; Rulemaking Added. Amend RSA 149-M:8, IV(h) to read as follows:

(h) Establish minimum standards for closing all solid waste facilities according to type of waste disposed of, and establish state closure guidelines for all facility owners and operators which shall include, but not be limited to, monitoring, restoration, and correction and compliance procedures which may be necessary in the maintenance of a closed landfill facility[.];

(i) Administration of and standards for the assessment of the out-of-state solid waste surcharge pursuant to RSA 149-M:3, IV-b.

28 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes and increases certain license and permit fees relating to facilities, agencies and businesses.

The bill establishes a certification system for wastewater treatment plant operators, to be administered by the division of water supply and pollution control.

The bill imposes a \$.96 per case of liquor processing charge on each case of liquor sold by the liquor commission.

The bill also imposes a surcharge of \$1 per ton on out-of-state solid waste which is being disposed of in New Hampshire.

Amendment adopted.

Rep. Sytek offered an amendment and spoke to her amendment.

Amendment

Amend RSA 482:8-a as inserted by section 11 of the bill by replacing it with the following:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the division of water resources on [the anniversary of an existing registration] **March 1 of each calendar year.** [In instances where a new registration is made, the anniversary fee shall be due on September 1 of each calendar year.] Failure to pay the registration fee shall be considered a violation of RSA 482:11. Yearly dam registration fees based on the following dam classification shall be as follows: Class AA = [\$10] **\$20**; Class A = [\$25] **\$50**; Class B = [\$100] **\$200**; Class C = [\$150] **\$300**. Revenues from this annual registration are to be collected by the division and [used to reduce and offset general fund expenditures for the dam safety section of the water resources bureau] **deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.**

Amend RSA 482-A:3, I as inserted by section 13 of the bill by replacing it with the following:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the wetlands board. The permit application shall be sent to the wetlands board and shall be accompanied by a filing fee. The permit application fee shall be [\$25] **\$50** for minimum impact projects[, \$100 for minor projects, and \$300 for major projects]. **Fees for minor and major projects shall be assessed based on the area of dredge or fill proposed and the number of boat slips requested. The rates shall be \$100 per boat slip and \$0.025 per square foot.** At the time of filing with the wetlands board, said person shall also file 3 copies of the permit application, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk. The town or city clerk shall immediately send a copy of the permit application to the selectmen, mayor or city manager, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$2. The copies of the permit application shall be made reasonably accessible to the public.

Amend the bill by replacing sections 25 and 26 with the following:

25 New Paragraph; Definition Added. Amend RSA 149-M:1 by inserting after paragraph XI the following new paragraph:

XI-a. "Out-of-state solid waste" means solid waste generated or originating outside the borders of the state, but not including solid waste generated or originating from communities participating in cooperative agreements authorized by RSA 53-D.

26 New Paragraph; Surcharge for Out-of-State Solid Waste. Amend RSA 149-M:3 by inserting after paragraph IV-a the following new paragraph:

IV-b. Assess a surcharge in the amount of \$1 per ton on the disposal of out-of-state solid waste, which shall be assessed against the person transporting the out-of-state solid waste to the facility and not assessed against the facility. The surcharge

shall be assessed and collected only with respect to the first point of disposal, processing, or treatment within this state. The proceeds shall be used by the division to reduce and offset general fund expenditures for solid waste management.

Amend RSA 149-M:8, IV(i) as inserted by section 27 of the bill by replacing it with the following:

(i) Administration of and standards for the assessment and collection of the out-of-state solid waste surcharge pursuant to RSA 149-M:3, IV-b.

Amendment adopted.

A roll call was called for. Sufficiently seconded.

YEAS 259

Bolduc, Dennis R.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
LaMar, David M.
Morse, Jo-Ann T.
Pierce, David A.

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Adams, Carl S.
Bennett, Shirley M.
Driscoll, William J.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Ahrens, Frederick G.
Andrews, Frederick B.
Bicknell, Robert C.

YEAS 259 BELKNAP

Campbell, Richard H., Jr.
Holbrook, Robert G.
Randall, Kenneth A.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL
Chandler, Gene G.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Blacketor, Paul G.
Delano, Robert F.
Hill, Douglas E.
Laurent, John J.
Pearson, Gertrude B.
Sawyer, Alfred P.

COOS
Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Merrill, Gerald

GRAFTON

Arnesen, Deborah L.
Brown, Channing T.
Hill, Richard L.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Alukonis, David J.
Barry, Janet Gail
Bowers, Dorothy C.

NAYS 87

Hardy, Earle D.
Maviglio, Steven R.
Rice, Thomas, Jr.
Turner, Robert H.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Bean, Pamela B.
Christy, C. Dana
Nordgren, Sharon
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Amidon, Eleanor H.
Barry, Vivian
Cowenhoven, Garret P.

Cox, Gladys M.
 Dodge, Emma M.
 Dube, Ellen C.
 Fields, Dennis H.
 Goulet, Maurice E.
 Harlan, Susan N.
 Jean, Romeo W.
 Klose, John F.
 Kurk, Neal M.
 Leclerc, Charles J.
 Mason, Howard F.
 Messier, Irene M.
 Packard, Bonnie B.
 Perham, Lester R.
 Record, Alice Barnard
 Sallada, Roland A.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Upton, Barbara Allen

Desrochers, Gerard T.
 Donovan, Francis X.
 Dyer, Merton S.
 Flood, Jacqueline J.
 Grip, Robert H.
 Healy, Daniel J.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Pappas, Toni
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Schneiderat, Catherine
 Steiner, Lee Anne
 Turgeon, Roland M.
 Vanderlosk, Stanley R.

Dionne, Paul R.
 Drolet, Paul L.
 Emerton, Lawrence
 Ford, Nancy M.
 Gureckis, Adam C., Sr.
 Holden, Carol H.
 Kelley, Robert N.
 Kress, Gloria W.
 Lawrence, Eva M.
 Lown, Elizabeth
 McNerney, Daniel P.
 Murphy, Robert E.
 Paquette, Rodolphe G.
 Provost, Gilles R.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Tyree, Paul M.
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Nichols, Avis B.
 Phelps, James D.
 Smith, Gerald R.
 Trombly, Rick A.

Apple, Lowell D.
 Boucher, Laurent J.
 Fillion, Paul R.
 Gross, Caroline L.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Pantzer, Eugene
 Provencal, Leo A.
 Stio, Peter M.
 Whittemore, James A.

Barberia, Richard A.
 Carter, Susan D.
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Hill, Michael
 Johnson, C. William
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Shaw, Randall F.
 Teague, Bert

ROCKINGHAM

Benton, Richardson D.
 Bucu, Stephen
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Parr, Ednapearl F.
 Remick, Barbara R.
 Schmidchen, Rowland

Blanchard, MaryAnn N.
 Campbell, Eunice M.
 Cooke, Annette M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Popov, Elizabeth M.
 Ritzo, Eugene
 Senter, Marilyn P.

Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Johnson, Robert A.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Seward, Russell G.

Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Welch, David A.

Simon, Peter M.
 Stachowske, Vicki
 Vartanian, Elsie
 Wells, Henry E.

Skinner, Patricia M.
 Sytek, Donna
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Flynn, Edward J.
 Gilmore, Gary
 Martling, W. Kent
 Scharff, Thomas Edward
 Torr, Ann M.
 Young, John B.

Bernard, Mary E.
 Foss, Patricia H.
 Keans, Sandra Balomenos
 Musler, George T.
 Stewart, Glenn W.
 Torr, Ralph W.

Flynn, Anita A.
 Frechette, Roland A.
 Kinney, Paula J.
 Parks, Joe B.
 Swope, Warren L.
 Tsiros, William

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Burling, Peter Hoe
 Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

NAYS 87

BELKNAP

Golden, Paul A.

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
 Foster, Katherine Davis
 Young, David A.

Cole, Kenneth A.
 Matson, William R.

Doucette, Richard F.
 Spear, Susan

COOS

Theriault, Romeo J.

Woodburn, Jeffrey R.

GRAFTON

Chambers, Mary P.
 Guest, Robert H.

Copenhaver, Marion L.
 Larson, Nils H., Jr.

Dow, David
 Markley, J. Keith

HILLSBOROUGH

Baldizar, Barbara J.
 Burkush, Peter
 Daigle, Robert Arthur
 Dwyer, Patricia R.
 Foote, Herbert N., Sr.
 Gerow, Sezen M.
 Hall, Betty B.
 Hunter, Bruce F.
 Johnson, Lionel W.
 Lozeau, Donnalee
 Nardi, Theodora P.
 Pignatelli, Debora B.
 Toomey, Daniel

Beaupre, Roland O.
 Cote, David E.
 Domaingue, Jacquelyn
 Dykstra, Leona
 Frank, Nancy G.
 Green, Scott E.
 Hanselman, Gregory L.
 Jasper, Shawn N.
 King, John A.
 McDowell, James E.
 Ouellette, Robert O.
 Reidy, Frank J.
 Wheeler, David K.

Brady, Carolyn L.
 Culbert, Patrick
 Drabinowicz, A. Theresa
 Elliott, Larry G.
 Gagnon, Gabrielle V.
 Haettenschwiller, A. A.
 Hultgren, David D.
 Jenkins, Mary
 Lawrence, Norman B.
 Morrisette, Roland
 Pepino, Leo P.
 Riley, Frances L.
 Wright, George W.

MERRIMACK

Beaton, Nancy
Daneault, Gabriel
Wallner, Mary Jane

Bennett, J. Allen
Dunn, Miriam

Braiterman, Thea
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Kane, Cecelia D.
Pantelakos, Laura C.
Weddle, Michael Rodney

Bell, Juanita
Ford, Bert H.
McGovern, Cynthia A.
Splaine, John E., Sr.
Wright, David B.

Brown, Jeffrey M.
Hollingworth, Beverly A.
Palazzo, Frank J., Sr.
Vaughn, Charles L.

STRAFFORD

Burton, Wayne M.
Merrill, Amanda
Spencer, Leo J.

Dionne, Albert J.
O'Brien, John
Vincent, Francis C.

Marston, Robert E.
Pelley, Janet R.
Wheeler, Katherine Wells.,

SULLIVAN

None

and the bill was ordered to third reading.

HB 1390-FN-A, to impose a telecommunications excise tax. **MAJORITY:** OUGHT TO PASS WITH AMENDMENT. **MINORITY:** INEXPEDIENT TO LEGISLATE.

MAJORITY: The bill, as amended, imposes a 5 percent tax on the users of two-way communication services until June 30, 1991, and 3 percent thereafter. Cable television and medical paging devices are excluded. The first \$12 of each residential telephone bill is excluded from tax to exempt "life-line service." An existing personal property tax on telephone and telegraph companies is repealed to provide a level playing field in the communications business. Net state revenues should increase by \$14.0 million during the biennium; state expenditures will increase by \$37,571 in FY 90 and by \$97,473 in FY 91. There will be no impact on county or local revenues or expenditures. Vote 13-3. Rep. Donna P. Sytek for the Majority of Ways and Means.

MINORITY: The minority is of the opinion that HB 1390, as presently presented, is a tax which will place a heavy burden on the individual ratepayer regardless of the pretense used to justify the revenue. This bill is revised to become a prime revenue enhancer at a time when the people of the state can least afford to pay. This is another attempt at government by crisis management. The bill should be rejected for what it is — a Sales Tax in the broadest form without acknowledgment of its true identity. Rep. Paul G. Blacketer for the Minority of Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to impose a communications services tax and
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Changed to Communications Services Tax. Amend RSA 21-J:9, I(c) to read as follows:

(e) Assessing the taxes upon railroad, railway, [telegraph, telephone,] express, dining, sleeping, and parlor car companies and corporations, or other corporations or companies not a railroad corporation or company owning any cars operated for profit

on any railroad in this state, as provided by law, *and assessing the communications services tax.*

2 Taxation by Municipalities. Amend RSA 72:12 to read as follows:

72:12 Public Utilities. The real estate of [railroad and other public utility] corporation and companies *taxed under RSA 82*, which is not used in their ordinary business, or which is excluded from taxation under [chapter] *RSA 82*, shall be appraised and taxed by the authorities of the town in which it is situated.

3 Chapter Title Changed. The chapter title of RSA 82 is repealed and reenacted to read as follows:

TAXATION OF RAILROADS

4 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:2 to read as follows:

82:2 Rate. Every railroad, railway, express, [telephone and telegraph corporation or company,] and every parlor, sleeping or dining car corporation or company, or other corporation or company not a railroad company owning any cars operated for profit on any railroad in this state shall pay to the state an annual tax, as of April 1 of each year, upon the actual value of its property and estate, [except buildings used by telephone and telegraph companies for office purposes and as central stations,] at a rate as nearly equal as may be to the average rate of taxation at that time upon other property throughout the state.

5 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:12 to read as follows:

82:12 Express and Other Lines. Every express corporation or company shall state the whole length of the lines of rail or water routes over which the company did business during the preceding year, whether within or without the state, and the whole length of such lines within the state[; every telegraph or telephone corporation or company, the total length of its lines, whether within or without the state, and the total length of its lines within the state].

6 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:36 to read as follows:

82:36 Report of Commissioner of Revenue Administration. The commissioner of revenue administration shall incorporate in his report all facts as to the total market value of the stocks and bonds and other funded or floating debt of such corporation or company and the capitalized value ascertained as herein provided, all facts relative to the total trackage of such railroad or railway corporation or company, [the total length of lines of each telegraph or telephone corporation or company,] the total number of car-miles of each parlor, sleeping or dining-car corporation or company, and the total length of lines of rail or water-routes of each express corporation or company, together with such other information as it may deem proper.

7 Reference to Telephone and Telegraph Companies Deleted. Amend RSA 82:37 to read as follows:

82:37 Taxation of Certain Property. The real estate of any railroad, railway, express, [telephone and telegraph corporation or company,] and parlor, sleeping or dining-car corporation or company, or other corporations or companies, not railroad companies, owning any cars operated for profit on any railroad in this state, not used in its ordinary business, [and buildings used by telephone and telegraph companies for office purposes and central stations,] shall be appraised and taxed under RSA 72.

8 New Chapter; Communications Services Tax. Amend RSA by inserting after chapter 82 the following new chapter:

CHAPTER 82-A
COMMUNICATIONS SERVICES TAX

82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who use 2-way communications services. It is also the intent of the general court that basic communications services essential to public health, safety, and welfare shall not be subject to the tax imposed by this chapter.

82-A:2 Definitions. As used in this chapter, unless the context clearly requires otherwise:

I. "Amount paid" means the amount charged to the taxpayer's service address in this state regardless of where such amount is billed or paid.

II. "Commissioner" means the commissioner of the department of revenue administration.

III. "Communications services" means services for transmitting, emitting, receiving signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable of two-way communication and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services and networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter services; cable television; computer exchange services; cellular mobile telecommunications services; facsimile services; specialized mobile radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. "Communications services" shall not include:

(a) Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission;

(b) Purchases of communications services by a communications services provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications, including carrier access charges, right of access charges, charges for use of inter-company facilities, and all communications services resold in the subsequent provision of, used as a component of, or integrated into end-to-end communications services; or

(c) The one-way transmission of radio or television programming, by cable, broadcast, satellite, microwave or similar facility, which is made available generally to any person able to receive such transmission, together with the interaction, if any, of such person required for the selection of such programming other than by use of the same facility by which such transmission was received.

IV. "Department" means the department of revenue administration.

V. "Gross charge" means the charge for communications services and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such communications services, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. However, "gross charge" shall not include:

(a) Any amounts added to a purchaser's bill because of a charge made pursuant to the tax imposed by this chapter, or the tax imposed by Section 4251 of the United States Internal Revenue Code;

(b) Charges for a sent collect communication service received outside of the state;

(c) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(d) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(e) Charges for services which are not provided in connection with originating or receiving communications services and which are not necessary for or directly related to the provision of communications services, to the extent that the charges for such services are disaggregated and separately identified from other charges on the customer's bill;

(f) Charges for communications services and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the tax imposed under this chapter has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service; and

(g) Charges paid by inserting coins in coin-operated telecommunication devices.

VI. "Interstate communications services" means all communications services that either originate or terminate outside this state.

VII. "Intrastate communications services" means all communications services that originate and terminate within this state.

VIII. "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representative appointed by order of any court; the federal and state governments and their agencies and departments, including state universities created by statute; or any county, city, town, school district or other political subdivision of this state.

IX. "Purchase at retail" means the acquisition, consumption or use of communications services through a sale at retail.

X. "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this chapter. The department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for communications services in this state in the same manner and subject to

the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the department at its discretion.

XI. "Retailer maintaining a place of business in this state", or any like term, means and includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

XII. "Sale at retail" means the transmitting, supplying or furnishing of communications services and all services and equipment provided in connection therewith for a consideration to persons other than the federal and state governments and their agencies and departments, including the state university system created by statute, and any county, city, town, school district or other political subdivision of this state, to the extent, in each case, such communications services are for their own use.

XIII. "Service address" means the location of communications services equipment from which the communications services are originated or at which communications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile telephones, paging systems, maritime systems, air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the communications services equipment as defined by telephone number, authorization code, or location in this state where bills are sent.

XIV. "Taxpayer" means a person who individually or through his agents, employees or permittees uses communications services in this state and who incurs a tax liability under this chapter.

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person at the rate of 3 percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the constitution and statutes of the United States, be made the subject of taxation by the state.

82-A:4 Imposition of Tax; Interstate Communications Services. A tax is imposed upon interstate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of 3 percent of the gross charge therefor. To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the constitution and statutes of the United States, be made the subject of taxation by the state.

82-A:5 Exemptions. The first \$12 of the monthly gross charge for residential telephone service shall be exempt from the tax imposed by section 82-A:3. If billing is other than on a monthly basis, the exemption allowed shall be prorated to the ratio that the billing period bears to a period of 30 days.

82-A:6 Collection of Tax. The tax imposed under this chapter shall be collected from the taxpayer by a retailer maintaining a place of business in this state or having taxable sales in excess of \$10,000 and remitted to the department pursuant to this

section. The tax required to be collected by this chapter and any such tax collected by such retailer shall constitute a debt owed by the retailer to this state. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for communications services in this state, in the manner prescribed by the department. Whenever possible, the tax imposed by this chapter shall, when collected, be stated as a distinct item separate and apart from the gross charge for communications services, and shall be labeled "State Tax". The tax imposed by this chapter shall constitute a debt of the purchaser to the retailer who provides such taxable services until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such taxable services.

82-A:7 Tax Returns by Retailer; Estimated Payments and Extensions.

I. Except as provided hereinafter in this section, on or before the fifteenth day of each month each retailer maintaining a place of business in this state shall make a return to the department for the preceding calendar month, stating:

(a) His name;

(b) The address of his principal place of business, and the address of the principal place of business, if that is a different address, from which he engages in the business of providing communications services;

(c) Total amount of gross charges billed by him during the preceding calendar month for providing communications services during such calendar month;

(d) Total amount received by him during the preceding calendar month on credit extended;

(e) Deductions allowed by law;

(f) Gross charges which were billed by him during the preceding calendar month and upon the basis of which the tax is imposed;

(g) Amount of tax computed upon gross charges as provided in paragraph VI; and

(h) Such other reasonable information as the department may require.

II. If the retailer's average monthly tax billings due to the department do not exceed \$100, the department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of each year being due by April 15 of such year; with the return for April, May and June of each year being due by July 15 of such year; with the return for July, August and September of each year being due by October 15 of such year; and with the return for October, November and December of each year being due by January 15 of the following year.

III. Notwithstanding any other provision of this chapter containing the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this chapter, such retailer shall file a final return under this chapter with the department not more than one month after discontinuing such business.

IV. In making such return, the retailer shall determine the value of any consideration other than money received by him and he shall include such value in his return. Such determination shall be subject to review and revision by the department in the manner hereinafter provided for the correction of returns.

V. Each retailer whose average monthly liability to the department under this chapter was \$10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the department on or before the seventh, fifteenth, twenty-second and last day of the

month during which tax collection liability to the department is incurred in an amount not less than the lower of either 22.5 percent of the retailer's actual tax collections for the month or 25 percent of the retailer's actual tax collections for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final liability of the retailer's return for that month. Any outstanding credit, approved by the department, arising from the retailer's overpayment of its final liability for any month may be applied to reduce the amount of any subsequent quarter monthly payment or credited against the final liability of the retailer's return for any subsequent month. If any quarter monthly payment is not paid at the time or in the amount required by this section, the retailer shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as the retailer has previously made payments for that month to the department in excess of the minimum payments previously due.

VI. If the commissioner finds that the information required for the making of an accurate return cannot reasonably be compiled by a retailer within 15 days after the close of the calendar month for which a return is to be made, he may grant an extension of time for the filing of such return for a period not to exceed 31 calendar days. The granting of such an extension may be conditioned upon the deposit by the retailer with the department of an amount of money not exceeding the amount estimated by commissioner to be due with the return so extended. All such deposits, including any heretofore made with the department, shall be credited against the retailer's liabilities under this chapter. If any such deposit exceeds the retailer's present and probable future liabilities under this chapter, the department shall issue to the retailer a credit memorandum, which may be assigned by the retailer to a similar retailer under this chapter, in accordance with reasonable rules to be prescribed by the department.

VII. The retailer making the return herein provided for shall, at the time of making such return, pay to the department the amount of tax herein imposed.

82-A:8 Tax Returns by Taxpayer.

I. When a taxpayer does not pay the tax imposed by this chapter to a retailer, such taxpayer shall file a return with the department and pay the tax upon that portion of gross charges so paid to the retailer during the preceding calendar month by the fifteenth day of the month following that month. Such return shall be filed on a form prescribed by the department and shall contain such information as the department may reasonably require.

II. When a taxpayer pays a tax imposed by this chapter directly to the department, the department upon request from such taxpayer, shall issue an appropriate receipt to such taxpayer showing that he has paid such tax to the department. Such receipt shall be sufficient to relieve the taxpayer from further liability for the amount of tax to which such receipt may refer.

82-A:9 Resale Number.

I. If a person who provides communications services in this state claims to be a reseller of such services, such person shall apply to the department for a resale number. Such applicant shall state facts which will show the department why such applicant is not liable for tax under this chapter on any of his purchases and shall furnish such additional information as the department may reasonably require.

II. Upon approval of the application, the department shall assign a resale number to the applicant and shall certify such number to him. The department may cancel any such number which is obtained through misrepresentation, or which is used to pro-

vide communications services tax-free when such services in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

III. Except as provided in this section, providing communications services in this state shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is nontaxable because of being a sale for resale.

82-A:10 Credits or Refunds.

I. If it shall appear that an amount of tax or penalty or interest has been paid in error under this chapter to the department by a taxpayer, as distinguished from the retailer, whether such amount was paid through a mistake of fact or an error of law, such taxpayer may file a claim for credit or refund with the department. If it shall appear that an amount of tax or penalty or interest has been paid in error to the department under this chapter by a retailer who is required or authorized to collect and remit the tax imposed by this chapter, whether such amount was paid through a mistake of fact or an error of law, such retailer may file a claim for credit or refund with the department, provided that no credit or refund shall be allowed for any amount paid by any such retailer unless it shall appear that he bore the burden of such amount and did not shift the burden thereof to anyone else, or unless it shall appear that he or his legal representative has unconditionally repaid such amount to his customer:

(a) Who bore the burden thereof and has not shifted such burden directly or indirectly in any manner whatsoever; or

(b) Who, if he shifted such burden, has repaid unconditionally such amount to his own customer; and

(c) Who is not entitled to receive any reimbursement therefor from any other source than from his retailer, nor to be relieved of such burden in any other manner whatsoever.

II. If it is determined that the department should issue a credit or refund under this chapter, the department may first apply the amount thereof against any amount of tax or penalty or interest due hereunder from the person entitled to such credit or refund. For this purpose, if proceedings are pending to determine whether or not any tax or penalty or interest is due under this chapter from such person, the department may withhold issuance of the credit or refund pending the final disposition of such proceedings and may apply such credit or refund against any amount found to be due to the department as a result of such proceedings. The balance, if any, of the credit or refund shall be issued to the person entitled thereto.

III. If no tax or penalty or interest is due and no proceeding is pending to determine whether such person is indebted to the department for tax or penalty or interest, the credit memorandum or refund shall be issued to the claimant; or in the case of a credit memorandum, the credit memorandum may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the department, to any other person who is subject to this chapter, and the amount thereof shall be applied by the department against any tax or penalty or interest due or to become due under this chapter from such assignee.

IV. As to any claim for credit or refund filed with the department on or after each January 1 and July 1, no amounts erroneously paid more than 3 years prior to such January 1 and July 1, respectively, shall be credited or refunded.

V. Claims for credit or refund shall be filed upon forms provided by the department. As soon as practicable after any claim for credit or refund is filed, the department shall examine the same and determine the amount of credit or refund to which the claimant is entitled and shall notify the claimant of such determination, which amount shall be prima facie correct.

VI. Any credit or refund that is allowed under this chapter shall bear interest at the rate provided by statute.

VII. In case the department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the department by rules adopted under RSA 541-A shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

82-A:11 Books, Records, Papers and Other Documents.

I. Every retailer maintaining a place of business in this state or required to file or actually filing in this state under this chapter and every taxpayer making direct tax payments to the department under this chapter shall keep books, records, papers and other documents which are adequate to reflect the information required by RSA 82-A:7 and 8 to be reported to the department by filing timely returns with the department. All books and records and other papers and documents required to be kept by this chapter shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the department or its duly authorized agents and employees.

II. The retailer may, upon written authorization of the commissioner, destroy any returns or records, papers or memoranda pertaining to such returns upon the expiration of any period covered by such returns with respect to which the department is authorized to establish liability.

82-A:12 Investigations and Hearings. For the purpose of administering and enforcing the provisions of this chapter, the department or any officer or employee of the department designated by the commissioner thereof, may hold investigations and hearings concerning any matters covered by this chapter and may examine any books, papers, records or memoranda bearing upon the business transacted or purchased by any such retailer or taxpayer and may require the attendance of such retailer or taxpayer or any officer or employee of such, or of any person having knowledge of such business, and may take testimony and require proof of its information. In the conduct of any investigation or hearing, neither the department nor any officer or employee thereof shall be bound by the technical rules of evidence, and no informality in any proceeding, or in the manner of taking testimony, shall invalidate any order, decision, or rule made or approved or confirmed by the department. The commissioner or any officer or employee thereof shall have power to administer oaths to any such persons. The books, papers, records and memoranda of the department, or parts thereof, may be provided in any hearing, investigation or legal proceeding by a reproduced copy thereof under the certificate of the commissioner. Such reproduced copy shall, without further proof, be admitted into evidence before the department or in any legal proceeding.

82-A:13 Testimony in Investigations and Hearings. No person shall be excused from testifying or from producing any books, papers, records or memoranda in any investigation or upon any hearing, when ordered to do so by the department or any

officer or employee thereof, upon the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to criminal penalty, but no person shall be prosecuted or subjected to any criminal penalty for, or on account of, any transaction made or thing concerning which he may testify or produce evidence, documentary or otherwise, before the department or any officer or employee thereof; provided that such immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. No person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

82-A:14 Administration. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to him. The provisions of RSA 80:26 apply the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

82-A:15 Administration; Rulemaking; Proceedings.

I. The commissioner shall collect the taxes imposed under this chapter and interest, additions to tax and penalties imposed, and pay over to the state treasurer the amount of funds collected under this chapter.

II. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the communications services tax; and

(b) The recovery of any tax imposed by RSA 82-A, interest on tax, or penalties.

III. Whenever notice to a retailer or taxpayer is required by this chapter, such notice shall be personally served or given by United States certified or registered mail, addressed to the retailer or taxpayer concerned at his last known address, and proof of such mailing shall be sufficient for the purposes of this chapter. In the case of a notice of hearing, such notice shall be mailed not less than 7 days prior to the date fixed for the hearing.

IV. All administrative hearings provided for in this chapter with respect to a retailer or taxpayer having his principal place of business in any of the several counties of this state shall be held at the department.

V. Whenever any proceeding provided by the chapter has been begun by the department or by a person subject thereto and such person thereafter dies or becomes a person under legal disability before the proceeding has been concluded, the legal representative of the deceased person or person under legal disability shall notify the department of such death or legal disability. The legal representative, as such, shall then be substituted by the department in place of and for the person. Within 20 days after notice to the legal representative of the time fixed for that purpose, the proceeding may proceed in all respects and with like effect as though the person had not died or become a person under legal disability.

82-A:16 Violations. Any retailer or taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this chapter or any rule of the department for the administration and enforcement of this chap-

ter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

82-A:17 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this chapter are severable.

9 Application; Rate of Tax for Biennium. For the period beginning April 1, 1990, and ending June 30, 1991, there is imposed a surcharge of 66 2/3 percent on the tax imposed under RSA 82-A:3 and 82-A:4 on the gross charge for communications services purchased at retail from a retailer.

10 Supplemental Appropriation; Department of Revenue Administration. The following sums are hereby appropriated to PAU 01, 07, 02, 01:

| | Fiscal Year 1990 | Fiscal Year 1991 |
|------------------------|------------------------|------------------------|
| 10 Personal services | \$ 5,909 | \$48,745 |
| 20 Current expenses | 9,490 | 23,600 |
| 30 Equipment | 19,029 | 3,577 |
| 60 Benefits | 1,643 | 13,551 |
| 70 In-state travel | 500 | 1,500 |
| 80 Out-of-state travel | 1,000 | 6,500 |
| Total | \$37,571 | \$97,473 |

11 Effective Date.

I. Sections 1-7 of this act shall take effect March 31, 1990.

II. Sections 8 and 9 of this act shall take effect April 1, 1990, and shall apply to returns and taxes due on account of taxable periods beginning on or after April 1, 1990.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill imposes a 3 percent communications services tax. The tax is imposed upon the use of 2-way communications services only by a person in this state. The tax is based upon a percent of the gross charge for communications services purchased at retail from a retailer. Transmissions by means of cable television are not included in the definition of "telecommunications" and are not taxable. In addition, the first \$12 of the monthly gross charge for residential telephone service is exempt from taxation.

The bill also imposes a surcharge of 66 2/3 percent on the tax imposed for the period beginning April 1, 1990, and ending June 30, 1991.

The bill makes an appropriation to the department of revenue administration to pay the costs of administering the tax.

Amendment adopted.

Rep. Kurk offered an amendment and spoke to his amendment.

Amendment

Amend the bill by replacing section 2 with the following:

2 Taxation by Municipalities. RSA 72:12 is repealed and reenacted to read as follows:

72:12 Public Utilities. All real estate of railroads and other public utility corporations and companies which is not taxed under RSA 82 and 82-A shall be appraised and taxed by the authorities of the town in which it is situated.

Amend the introductory section of RSA 82-A:2, III as inserted by section 8 of the bill by replacing it with the following:

III. "Communications services" means services for transmitting, emitting, or receiving signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable of two-way communication and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services and networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter services; cable television; computer exchange services; cellular mobile telecommunications services; facsimile services; specialized mobile radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. "Communications services" shall not include:

Amend RSA 82-A:3 as inserted by section 8 of the bill by replacing it with the following:

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of 3 percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the constitution and statutes of the United States, be made the subject of taxation by the state.

Amend RSA 82-A:5 as inserted by section 8 of the bill by replacing it with the following:

82-A:5 Exemptions. The first \$12 of the monthly gross charge for a residential customer telephone exchange access and service shall be exempt from the tax imposed by section 82-A:3. If billing is other than on a monthly basis, the exemption allowed shall be prorated to the ratio that the billing period bears to a period of 30 days.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

I. Sections 1-7 of this act shall take effect March 31, 1990.

II. Sections 8 and 9 of this act shall take effect April 1, 1990, and shall apply to gross charges for communications services included in bills rendered on or after April 1, 1990.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill imposes a 3 percent communications services tax. The tax is imposed upon the use of 2-way communications services only by a person in this state. The tax is based upon a percent of the gross charge for communications services purchased at retail from a retailer. Transmissions by means of cable television are not included in the definition of "telecommunications" and are not taxable. In addition, the first \$12 of the monthly gross charge for a residential customer telephone exchange access and service is exempt from taxation.

The bill also imposes a surcharge of 66 2/3 percent on the tax imposed for the period beginning April 1, 1990, and ending June 30, 1991.

The bill makes an appropriation to the department of revenue administration to pay the costs of administering the tax.

Amendment adopted.

Rep. Blacketor moved that the report of the minority, Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Kurk and Grip spoke against the motion and yielded to questions.

Reps. David Young and Reidy spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 153**NAYS 196****YEAS 153****BELKNAP**

Bolduc, Dennis R.
Richardson, Lawrence

Golden, Paul A.
Salatiello, Thomas

Maviglio, Steven R.

CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Doucette, Richard F.
LaMar, David M.
Spear, Susan

Barber, Robert E., Jr.
Foster, Katherine Davis
Matson, William R.
Young, David A.

Blacketor, Paul G.
Hill, Douglas E.
Pierce, David A.

COOS

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Theriault, Romeo J.

Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Lemire, George
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Dow, David
Markley, J. Keith

Chambers, Mary P.
Guest, Robert H.
Nordgren, Sharon

Copenhaver, Marion L.
Larson, Nils H., Jr.

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Cote, David E.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dykstra, Leona
Foote, Herbert N., Sr.
Gerow, Sezen M.
Hall, Betty B.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Lawrence, Eva M.
Lown, Elizabeth
Morrissette, Roland
Ouellette, Robert O.

Baldizar, Barbara J.
Brady, Carolyn L.
Culbert, Patrick
Dionne, Paul R.
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
Klose, John F.
Lawrence, Norman B.
McDowell, James E.
Murphy, Robert E.
Pepino, Leo P.

Barry, Janet Gail
Burkush, Peter
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dwyer, Patricia R.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Healy, Daniel J.
Jasper, Shawn N.
Johnson, Lionel W.
Lachut, Ervin R.
Leclerc, Charles J.
Moore, Elizabeth A.
Nardi, Theodora P.
Pignatelli, Debora B.

Prestipino, Bartolo V.
Riley, Frances L.
Turgeon, Roland M.

Provost, Gilles R.
Spaloss, Henry F.
Wheeler, David K.

Reidy, Frank J.
Toomey, Daniel
Wright, George W.

MERRIMACK

Barberia, Richard A.
Daneault, Gabriel
Holmes, Mary C.
Soldati, Jennifer

Beaton, Nancy
Dunn, Miriam
Jacobson, Alf E.
Trombly, Rick A.

Braiterman, Thea
Fair, Patricia A.
Smith, Gerald R.
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Hoar, John, Jr.
Kane, Cecelia D.
MacDonald, Joseph A.
McGovern, Cynthia A.
Pantelakos, Laura C.
Remick, Barbara R.
Splaine, John E., Sr.
Weddle, Michael Rodney

Bell, Juanita
Campbell, Eunice M.
Fesh, Robert M.
Hollingworth, Beverly A.
Klemarczyk, Thaddeus E.
MacKinnon, Nancy W.
McKinney, Betsy
Popov, Elizabeth M.
Ritzo, Eugene
Stachowske, Vicki
Welch, David A.

Blanchard, MaryAnn N.
Caswell, Albert, Jr.
Ford, Bert H.
Hynes, Carolyn E.
Lovejoy, Virginia K.
Magoon, Harold F.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Schmidtchen, Rowland
Vaughn, Charles L.
Wright, David B.

STRAFFORD

Burton, Wayne M.
Gilmore, Gary
Merrill, Amanda
Scharff, Thomas Edward
Swope, Warren L.
Wheeler, Katherine Wells

Dionne, Albert J.
Keans, Sandra Balomenos
O'Brien, John
Spencer, Leo J.
Tsiros, William

Frechette, Roland A.
Lachance, Douglas
Pelley, Janet R.
Sullivan, Henry P.
Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe

NAYS 196

BELKNAP

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas, Jr.
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Chandler, Gene G.
MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Cole, Kenneth A.
Delano, Robert F.
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.

Dumont, Robert E.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Christy, C. Dana
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Driscoll, William J.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Brown, Channing T.
Hill, Richard L.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Cowenhoven, Garret P.
Donovan, Francis X.
Emerton, Lawrence
Goulet, Maurice E.
Harlan, Susan N.
Kelley, Robert N.
Kurk, Neal M.
McCann, Bonnie Lou
Packard, Bonnie B.
Perham, Lester R.
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Tyree, Paul M.
Wihby, Linda S.

Amidon, Eleanor H.
Bicknell, Robert C.
Cox, Gladys M.
Drolet, Paul L.
Fields, Dennis H.
Grip, Robert H.
Holden, Carol H.
Knight, Alice Tirrell
Lefebvre, Roland J.
McNerney, Daniel P.
Pappas, Toni
Record, Alice Barnard
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara Allen

Andrews, Frederick B.
Bowers, Dorothy C.
Dodge, Emma M.
Dyer, Merton S.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Keefe, Edmund M.
Kress, Gloria W.
Mason, Howard F.
Messier, Irene M.
Paquette, Rodolphe G.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Bennett, J. Allen
Fillion, Paul R.
Gross, Caroline L.
Hayes, Robert C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Whittemore, James A.

Apple, Lowell D.
Boucher, Laurent J.
Fraser, Leo W., Jr.
Hager, Elizabeth
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.

Bardsley, Elizabeth S.
Carter, Susan D.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Provencal, Leo A.
Teague, Bert

ROCKINGHAM

Benton, Richardson D.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Haynes, Richard L.

Brown, Lewis W.
Cooke, Annette M.
Flanagan, Natalie S.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.

Buco, Stephen
Dube, LeRoy S.
Flanders, Harry E.
Gage, Beverly A.
Greene, Elizabeth A.
Johnson, Robert A.

Katsakiores, George N.
Klemm, Arthur P., Jr.
McCain, William F.
Parr, Ednapearl F.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Wells, Henry E.

Katsakiores, Phyllis
Mace, Ada L.
McCarthy, John James, Jr.
Roulston, Donald L.
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie

King, Roger C.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Senter, Marilyn P.
Simon, Peter M.
Sytek, Donna
Warburton, Calvin

STRAFFORD

Appleby, James E.
Flynn, Edward J.
Marston, Robert E.
Parks, Joe B.
Torr, Ralph W.

Bernard, Mary E.
Foss, Patricia H.
Martling, W. Kent
Stewart, Glenn W.
Young, John B.

Flynn, Anita A.
Kinney, Paula J.
Musler, George T.
Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.,

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the substitute motion lost.

Rep. Lozeau wished to be recorded in favor of the substitute motion.

A roll call was called for. Sufficiently seconded.

YEAS 201

NAYS 149

YEAS 201

BELKNAP

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas, Jr.
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Chandler, Gene G.
MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Cole, Kenneth A.
Delano, Robert F.
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.

Dumont, Robert E.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Christy, C. Dana
Rose, William B.

Bean, Pamela B.
Driscoll, William J.
Scanlan, David M.

Brown, Channing T.
Hill, Richard L.
Shackett, Ralph E.

Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Cowenhoven, Garret P.
Donovan, Francis X.
Fields, Dennis H.
Grip, Robert H.
Holden, Carol H.
Klose, John F.
Kurk, Neal M.
Mason, Howard F.
Messier, Irene M.
Paquette, Rodolphe G.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Amidon, Eleanor H.
Bicknell, Robert C.
Cox, Gladys M.
Drolet, Paul L.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Eva M.
McCann, Bonnie Lou
Packard, Bonnie B.
Perham, Lester R.
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Tyree, Paul M.
Wihby, Linda S.

Andrews, Frederick B.
Bowers, Dorothy C.
Dodge, Emma M.
Dyer, Merton S.
Goulet, Maurice E.
Harlan, Susan N.
Kelley, Robert N.
Kress, Gloria W.
Lefebvre, Roland J.
McNerney, Daniel P.
Pappas, Toni
Record, Alice Barnard
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara Allen

MERRIMACK

Anderson, Eleanor M.
Bennett, J. Allen
Fillion, Paul R.
Gross, Caroline L.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Provencal, Leo A.
Teague, Bert

Apple, Lowell D.
Boucher, Laurent J.
Fraser, Leo W., Jr.
Hager, Elizabeth
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Whittemore, James A.

Bardsley, Elizabeth S.
Carter, Susan D.
Gilbreth, Robert M.
Hall, Douglas E.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.

ROCKINGHAM

Benton, Richardson D.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Micklon, Stephanie K.
Senter, Marilyn P.
Simon, Peter M.
Sytek, Donna
Warburton, Calvin

Brown, Lewis W.
Cooke, Annette M.
Flanagan, Natalie S.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
McCain, William F.
Parr, Ednappearl F.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Wells, Henry E.

Buco, Stephen
Dube, LeRoy S.
Flanders, Harry E.
Gage, Beverly A.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
Mace, Ada L.
McCarthy, John James, Jr.
Roulston, Donald L.
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie

STRAFFORD

Appleby, James E.
Flynn, Edward J.
Kinney, Paula J.
Musler, George T.
Swope, Warren L.
Young, John B.

Bernard, Mary E.
Foss, Patricia H.
Marston, Robert E.
Parks, Joe B.
Torr, Ann M.

Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Stewart, Glenn W.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 149**BELKNAP**

Bolduc, Dennis R.
Richardson, Lawrence

Golden, Paul A.
Salatiello, Thomas

Maviglio, Steven R.

CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Doucette, Richard F.
LaMar, David M.
Spear, Susan

Barber, Robert E., Jr.
Foster, Katherine Davis
Matson, William R.
Young, David A.

Blacketor, Paul G.
Hill, Douglas E.
Pierce, David A.

COOS

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Therault, Romeo J.

Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Lemire, George
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Dow, David
Markley, J. Keith

Chambers, Mary P.
Guest, Robert H.
Nordgren, Sharon

Copenhaver, Marion L.
Larson, Nils H., Jr.

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Cote, David E.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dykstra, Leona
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Haettenschwiller, A. A
Healy, Daniel J.
Jasper, Shawn N.
Johnson, Lionel W.
Lawrence, Norman B.
Lozeau, Donnalee

Baldizar, Barbara J.
Brady, Carolyn L.
Culbert, Patrick
Dionne, Paul R.
Dube, Ellen C.
Elliott, Larry G.
Foote, Herbert N., Sr.
Gerow, Sezen M.
Hall, Betty B.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Leclerc, Charles J.
McDowell, James E.

Barry, Janet Gail
Burkush, Peter
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dwyer, Patricia R.
Emerton, Lawrence
Frank, Nancy G.
Green, Scott E.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
Lachut, Ervin R.
Lown, Elizabeth
Moore, Elizabeth A.

Morrisette, Roland
Ouellette, Robert O.
Prestipino, Bartolo V.
Riley, Frances L.
Turgeon, Roland M.

Murphy, Robert E.
Pepino, Leo P.
Provost, Gilles R.
Spaloss, Henry F.
Wheeler, David K.

Nardi, Theodora P.
Pignatelli, Debora B.
Reidy, Frank J.
Toomey, Daniel
Wright, George W.

MERRIMACK

Barberia, Richard A.
Daneault, Gabriel
Jacobson, Alf E.
Trombly, Rick A.

Beaton, Nancy
Dunn, Miriam
Smith, Gerald R.
Wallner, Mary Jane

Braiterman, Thea
Fair, Patricia A.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Hoar, John, Jr.
Kane, Cecelia D.
MacKinnon, Nancy W.
McKinney, Betsy
Popov, Elizabeth M.
Ritzo, Eugene
Stachowske, Vicki
Welch, David A.

Bell, Juanita
Campbell, Eunice M.
Fesh, Robert M.
Hollingworth, Beverly A.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Schmidtchen, Rowland
Vaughn, Charles L.
Wright, David B.

Blanchard, MaryAnn N.
Caswell, Albert, Jr.
Ford, Bert H.
Hynes, Carolyn E.
MacDonald, Joseph A.
McGovern, Cynthia A.
Pantelakos, Laura C.
Remick, Barbara R.
Splaine, John E., Sr.
Weddle, Michael Rodney

STRAFFORD

Burton, Wayne M.
Keans, Sandra Balomenos
O'Brien, John
Spencer, Leo J.
Vincent, Francis C.

Dionne, Albert J.
Lachance, Douglas
Pelley, Janet R.
Sullivan, Henry P.
Wheeler, Katherine Wells

Gilmore, Gary
Merrill, Amanda
Scharff, Thomas Edward
Tsiros, William

SULLIVAN

Burling, Peter Hoe.,
and the bill was ordered to third reading.

HB 1170-FN, to amend the definition of overseas business organization under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

The amendment strips the original content of the bill and replaces it with an increase in the Real Estate Transfer Tax from the current rate of \$4.75 per thousand dollars to \$6 per thousand for the biennium. This is estimated to raise an additional \$11.9 million, including \$2.3 million from the transfer of Seabrook Station. Counties will realize \$500,000 from their share of this tax. Vote 13-2. Rep. Donna P. Sytek for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to increase the real estate transfer tax for the
biennium ending June 30, 1991.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Tax for Biennium Ending June 30, 1991. Notwithstanding the provisions of RSA 78-B:1, I and 1989, 416:4, for the period beginning April 1, 1990, and ending June 30, 1991, the rate of the tax is \$.60 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$24. The tax imposed shall be computed to the nearest whole dollar.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the rate of the real estate transfer tax from \$.475 to \$.60 per hundred for the period beginning April 1, 1990, and ending June 30, 1991. The minimum tax due is \$24.

Amendment adopted.

Reps. Emerton, Markley and Jasper spoke against the report.

Reps. Hayes and Sytek spoke in favor of the report and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 198

NAYS 151

YEAS 198 BELKNAP

Campbell, Richard H., Jr.
Pearson, Ralph W.
Turner, Robert H.

Hardy, Earle D.
Randall, Kenneth A.
Vogler, Charles C.

Holbrook, Robert G.
Rice, Thomas, Jr.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Lemire, George

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton

Burns, Harold W.
Horton, Lynn C.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Hill, Richard L.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Christy, C. Dana
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Driscoll, William J.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Cox, Gladys M.
Dube, Ellen C.

Amidon, Eleanor H.
Bowers, Dorothy C.
Dodge, Emma M.
Dyer, Merton S.

Barry, Vivian
Cowenhoven, Garret P.
Drolet, Paul L.
Fields, Dennis H.

Ford, Nancy M.
Gureckis, Adam C., Sr.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Mason, Howard F.
Messier, Irene M.
Paquette, Rodolphe G.
Rheault, Lillian I.
Steiner, Lee Anne
Upton, Barbara Allen

Goulet, Maurice E.
Healy, Daniel J.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Eva M.
McCann, Bonnie Lou
Packard, Bonnie B.
Perham, Lester R.
Sallada, Roland A.
Stiles, Walter A.
Vanderlosk, Stanley R.

Grip, Robert H.
Holden, Carol H.
Klose, John F.
Kurk, Neal M.
Lown, Elizabeth
McNerney, Daniel P.
Pappas, Toni
Record, Alice Barnard
Schneiderat, Catherine
Tarpley, Nancy L.
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Fillion, Paul R.
Gross, Caroline L.
Hayes, Robert C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Whittemore, James A.

Apple, Lowell D.
Carter, Susan D.
Fraser, Leo W., Jr.
Hager, Elizabeth
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.

Bardsley, Elizabeth S.
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Holmes, Mary C.
Lockwood, Robert A.
Pantzer, Eugene
Provencal, Leo A.
Teague, Bert

ROCKINGHAM

Benton, Richardson D.
Campbell, Eunice M.
Cooke, Annette M.
Flanagan, Natalie S.
Forsythe, Douglas G.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McCarthy, John James, Jr.
Parr, Ednapearl F.
Roulston, Donald L.
Sherburne, John L.
Sochalski, Matthew M.
Warburton, Calvin

Brown, Lewis W.
Campbell, Marilyn R.
Dube, LeRoy S.
Flanders, Harry E.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Magoon, Harold F.
McKinney, Betsy
Raynowska, Bernard J.
Senter, Marilyn P.
Simon, Peter M.
Sytek, Donna
Wells, Henry E.

Buco, Stephen
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
McCain, William F.
Micklon, Stephanie K.
Remick, Barbara R.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur

STRAFFORD

Appleby, James E.
Flynn, Edward J.
Keans, Sandra Balomenos
Martling, W. Kent
Scharff, Thomas Edward
Torr, Ann M.

Bernard, Mary E.
Foss, Patricia H.
Kinney, Paula J.
Musler, George T.
Stewart, Glenn W.
Torr, Ralph W.

Flynn, Anita A.
Frechette, Roland A.
Marston, Robert E.
Parks, Joe B.
Swope, Warren L.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Rodeschin, Beverly T.

Domini, Irene C.
Krueger, Richard H.
Schotanus, Merle W.

Flint, Gordon B.
Peyron, Fredrik

**NAYS 151
BELKNAP**

Bolduc, Dennis R.
Richardson, Lawrence

Golden, Paul A.
Rosen, Ralph J.

Maviglio, Steven R.
Salatiello, Thomas

CARROLL

Chandler, Gene G.

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
Matson, William R.
Young, David A.

Blacketor, Paul G.
Foster, Katherine Davis
Pierce, David A.

Cole, Kenneth A.
Hill, Douglas E.
Spear, Susan

COOS

Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Mayhew, Josephine
Oleson, Otto H.

Merrill, Gerald
Therault, Romeo J.

GRAFTON

Arnesen, Deborah L.
Dow, David
Markley, J. Keith

Chambers, Mary P.
Guest, Robert H.
Nordgren, Sharon

Copenhaver, Marion L.
Larson, Nils H., Jr.

HILLSBOROUGH

Alukonis, David J.
Barry, Janet Gail
Burkush, Peter
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dwyer, Patricia R.
Emerton, Lawrence
Frank, Nancy G.
Green, Scott E.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
Lawrence, Norman B.
Lozeau, Donnalee
Morrissette, Roland
Ouellette, Robert O.
Prestipino, Bartolo V.
Riley, Frances L.
Spaloss, Henry F.
Tyree, Paul M.

Andrews, Frederick B.
Beaupre, Roland O.
Cote, David E.
Desrochers, Gerard T.
Donovan, Francis X.
Dykstra, Leona
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Harlan, Susan N.
Jasper, Shawn N.
Johnson, Lionel W.
Leclerc, Charles J.
McDowell, James E.
Murphy, Robert E.
Pepino, Leo P.
Provost, Gilles R.
Rodgers, G. Philip
Toomey, Daniel
Wheeler, David K.

Baldizar, Barbara J.
Brady, Carolyn L.
Culbert, Patrick
Dionne, Paul R.
Drabinowicz, A. Theresa
Elliott, Larry G.
Foote, Herbert N., Sr.
Gerow, Sezen M.
Hall, Betty B.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Lefebvre, Roland J.
Moore, Elizabeth A.
Nardi, Theodora P.
Pignatelli, Debora B.
Reidy, Frank J.
Searles, Stanley N., Sr.
Turgeon, Roland M.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Braiterman, Thea

Beaton, Nancy
Daneault, Gabriel

Bennett, J. Allen
Dunn, Miriam

Jacobson, Alf E.
Soldati, Jennifer

Johnson, C. William
Trombly, Rick A.

Smith, Gerald R.
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Fesh, Robert M.
Gage, Thomas U.
Hynes, Carolyn E.
MacKinnon, Nancy W.
Palazzo, Frank J., Sr.
Ritzo, Eugene
Stachowske, Vicki
Weddle, Michael Rodney

Bell, Juanita
Caswell, Albert, Jr.
Ford, Bert H.
Hoar, John, Jr.
Kane, Cecelia D.
Malcolm, Kenneth W.
Pantelakos, Laura C.
Schmidtchen, Rowland
Vartanian, Elsie
Welch, David A.

Blanchard, MaryAnn N.
Chase, Lawrence A., Jr.
Gage, Beverly A.
Hollingworth, Beverly A.
MacDonald, Joseph A.
McGovern, Cynthia A.
Popov, Elizabeth M.
Splaine, John E., Sr.
Vaughn, Charles L.
Wright, David B.

STRAFFORD

Burton, Wayne M.
Lachance, Douglas
Pelley, Janet R.
Tsiros, William

Dionne, Albert J.
Merrill, Amanda
Spencer, Leo J.
Vincent, Francis C.

Gilmore, Gary
O'Brien, John
Sullivan, Henry P.
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
and the bill was ordered to third reading.

MacAskill, Kenneth M.

Middleton, John A.,

Reps. Robinson, Hawkins and Leonard Smith abstained from voting under Rule 16.

Rep. Vartanian, who meant to abstain from voting under Rule 16, inadvertently voted nay.

HB 1064-FN, relative to discounts for the sale of wine. **OUGHT TO PASS WITH AMENDMENT.**

The bill, as amended, reduces the discounts for wine purchases by off-premises licensees to 15 percent (down from the present 20 percent) if bought at the warehouse, and to zero percent (down from the present 15 percent) if bought at the retail liquor store. The reduction implements the policy of the Regulated Revenues Committee to encourage warehouse purchases by licensees. The bill also allows off-premise licensees to sell fortified wines (alcohol content between 14 percent and 24 percent) at their stores. State revenues should increase by \$1.7 million over the biennium. There will be no impact on state expenditures or on county or local revenues or expenditures. Vote 12-2. Rep. Donna P. Sytek for Ways and Means.

Rep. Gross moved that HB 1064 be made a Special Order for the end of the regular calendar.

Adopted.

HB 1502-FN-A, increasing the beer tax. **WITHOUT RECOMMENDATION.**

Half the Committee believes that increasing the beer tax by 5 cents per gallon (from 30 cents to 35 cents) will increase state revenues by \$2.3 million over the biennium. The other half believes there will be a smaller increase in beer revenues and a decline in other state revenues, as the perception of New Hampshire as a "low cost" state changes. There will be no impact on state expenditures or on county or local revenues or expenditures. Vote 8-8. Rep. Donna P. Sytek for Ways and Means.

Rep. Gross moved that HB 1502 be ordered to third reading, spoke to her motion and yielded to questions.

Reps. Beverly Gage and Woodburn spoke against the motion.
 Rep. Kurk spoke against the motion and yielded to questions.
 Rep. Guay spoke in favor of the motion.
 A roll call was called for. Sufficiently seconded.

YEAS 187**NAYS 158**

YEAS 187
BELKNAP

Bolduc, Dennis R.
 Hardy, Earle D.
 Randall, Kenneth A.
 Rosen, Ralph J.
 Ziegra, Alice S.

Campbell, Richard H., Jr.
 Holbrook, Robert G.
 Rice, Thomas, Jr.
 Turner, Robert H.

Golden, Paul A.
 Pearson, Ralph W.
 Richardson, Lawrence
 Vogler, Charles C.

CARROLL

Allard, Nanci A.
 Foster, Robert W.

Chandler, Gene G.
 Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.

CHESHIRE

Cole, Stacey W.
 Gordon, Irvin H.
 Laurent, John J.
 Pearson, Gertrude B.

Crutchley, Donald O.
 Grodin, Richard A.
 Metzger, Katherine H.
 Perry, David M.

Foster, Katherine Davis
 LaMar, David M.
 Morse, Jo-Ann T.
 Sawyer, Alfred P.

COOS

Brungot, Catherine V.
 Dumont, Robert E.
 Merrill, Gerald

Buckley, C. Fitzgerald, III
 Guay, Lawrence J.

Burns, Harold W.
 Marsh, Beaton

GRAFTON

Adams, Carl S.
 Brown, Channing T.
 Hill, Richard L.
 Stewart, Roger
 Ward, Kathleen W.
 White, Paul R.

Bean, Pamela B.
 Christy, C. Dana
 Nordgren, Sharon
 Townsend, Howard C.
 Weymouth, Philip H.

Bennett, Shirley M.
 Driscoll, William J.
 Rose, William B.
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

HILLSBOROUGH

Amidon, Eleanor H.
 Bicknell, Robert C.
 Cox, Gladys M.
 Ford, Nancy M.
 Grip, Robert H.
 Holden, Carol H.
 Knight, Alice Tirrell
 Lown, Elizabeth
 McNeerney, Daniel P.
 Pappas, Toni
 Provost, Gilles R.
 Robinson, Ellen-Ann
 Smith, Leonard A.
 Tyree, Paul M.
 Wihby, Linda S.

Andrews, Frederick B.
 Bowers, Dorothy C.
 Donovan, Francis X.
 Frank, Nancy G.
 Haettenschwiller, A. A.
 Keefe, Edmund M.
 Kress, Gloria W.
 Mason, Howard F.
 Messier, Irene M.
 Paquette, Rodolphe G.
 Record, Alice Barnard
 Schneiderat, Catherine
 Steiner, Lee Anne
 Upton, Barbara Allen
 Wright, George W.

Barry, Janet Gail
 Cowenhoven, Garret P.
 Dykstra, Leona
 Goulet, Maurice E.
 Harlan, Susan N.
 Klose, John F.
 Lachut, Ervin R.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
 Boucher, Laurent J.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Johnson, C. William
 Lockwood, Robert A.
 Pfaff, Terence R.
 Shaw, Randall F.
 Whittemore, James A.

Apple, Lowell D.
 Carter, Susan D.
 Gross, Caroline L.
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Phelps, James D.
 Stio, Peter M.

Beaton, Nancy
 Fillion, Paul R.
 Hager, Elizabeth
 Jacobson, Alf E.
 Lewis, Mary Ann
 Pantzer, Eugene
 Provencal, Leo A.
 Teague, Bert

ROCKINGHAM

Benton, Richardson D.
 Campbell, Eunice M.
 Cooke, Annette M.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Johnson, Robert A.
 Katsakiores, Phyllis
 MacKinnon, Nancy W.
 McCarthy, John James, Jr.
 Senter, Merilyn P.
 Simon, Peter M.
 Tufts, J. Arthur

Brown, Lewis W.
 Campbell, Marilyn R.
 Felch, Charles H., Sr.
 Gage, Thomas U.
 Haynes, Richard L.
 Kane, Cecelia D.
 King, Roger C.
 Mace, Ada L.
 Remick, Barbara R.
 Seward, Russell G.
 Skinner, Patricia M.
 Wells, Henry E.

Buco, Stephen
 Conroy, Janet M.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 Roulston, Donald L.
 Sherburne, John L.
 Sochalski, Matthew M.

STRAFFORD

Appleby, James E.
 Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 Parks, Joe B.
 Stewart, Glenn W.
 Wheeler, Katherine Wells

Bernard, Mary E.
 Flynn, Edward J.
 Kinney, Paula J.
 Merrill, Amanda
 Scharff, Thomas Edward
 Torr, Ann M.
 Young, John B.

Dionne, Albert J.
 Foss, Patricia H.
 Marston, Robert E.
 Musler, George T.
 Spencer, Leo J.
 Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

NAYS 158**BELKNAP**

Hawkins, Robert S.

Maviglio, Steven R.

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.
 Wiggin, Allen R.

MacDonald, Kenneth J.

Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
 Cole, Kenneth A.
 Hill, Douglas E.
 Pierce, David A.

Barber, Robert E., Jr.
 Delano, Robert F.
 Hunt, John B.
 Spear, Susan

Blacketor, Paul G.
 Doucette, Richard F.
 Matson, William R.
 Young, David A.

COOS

Horton, Lynn C.
Mayhew, Josephine
Theriault, Romeo J.

Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Lemire, George
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Dow, David
Markley, J. Keith
Teschner, Douglass P.

Chambers, Mary P.
Guest, Robert H.
Scanlan, David M.

Copenhaver, Marion L.
Larson, Nils H., Jr.
Shackett, Ralph E.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Burkush, Peter
Daigle, Robert Arthur
Dodge, Emma M.
Drolet, Paul L.
Dyer, Merton S.
Fields, Dennis H.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Jasper, Shawn N.
Johnson, Lionel W.
Kurk, Neal M.
Leclerc, Charles J.
Murphy, Robert E.
Packard, Bonnie B.
Pignatelli, Debora B.
Rodgers, G. Philip
Stiles, Walter A.
Wheeler, David K.

Alukonis, David J.
Beaupre, Roland O.
Cote, David E.
Desrochers, Gerard T.
Domaingue, Jacquelyn
Dube, Ellen C.
Elliott, Larry G.
Flood, Jacqueline J.
Gerow, Sezen M.
Hall, Betty B.
Hultgren, David D.
Jean, Romeo W.
Kelley, Robert N.
Lawrence, Eva M.
McDowell, James E.
Nardi, Theodora P.
Pepino, Leo P.
Reidy, Frank J.
Sallada, Roland A.
Toomey, Daniel

Baldizar, Barbara J.
Brady, Carolyn L.
Culbert, Patrick
Dionne, Paul R.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Emerton, Lawrence
Foote, Herbert N., Sr.
Green, Scott E.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
King, John A.
Lawrence, Norman B.
Morrisette, Roland
Ouellette, Robert O.
Perham, Lester R.
Riley, Frances L.
Spaloss, Henry F.
Turgeon, Roland M.

MERRIMACK

Barberia, Richard A.
Braiterman, Thea
Fair, Patricia A.
Nichols, Avis B.
Trombly, Rick A.

Bardsley, Elizabeth S.
Daneault, Gabriel
Fraser, Leo W., Jr.
Smith, Gerald R.
Wallner, Mary Jane

Bennett, J. Allen
Dunn, Miriam
Holmes, Mary C.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Fesh, Robert M.
Ford, Bert H.
Hollingworth, Beverly A.
MacDonald, Joseph A.
McGovern, Cynthia A.
Pantelakos, Laura C.
Raynowska, Bernard J.

Bell, Juanita
Chase, Lawrence A., Jr.
Flanagan, Natalie S.
Gage, Beverly A.
Hynes, Carolyn E.
Malcolm, Kenneth W.
McKinney, Betsy
Parr, Ednapearl F.
Schmidtchen, Rowland

Brown, Jeffrey M.
Dube, LeRoy S.
Flanders, Harry E.
Hoar, John, Jr.
Klemm, Arthur P., Jr.
McCain, William F.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Splaine, John E., Sr.

Stachowske, Vicki
Vaughn, Charles L.
Welch, David A.

Sytek, Donna
Warburton, Calvin
Wright, David B.

Vartanian, Elsie
Weddle, Michael Rodney

STRAFFORD

Burton, Wayne M.
Lachance, Douglas
Sullivan, Henry P.
Vincent, Francis C.

Gilmore, Gary
O'Brien, John
Swope, Warren L.

Keans, Sandra Balomenos
Pelley, Janet R.
Tsiros, William

SULLIVAN

Burling, Peter Hoe.,
and the bill was ordered to third reading.

Reps. Hayes and Lozeau abstained from voting under Rule 16.

(Deputy Speaker Burns in the Chair)

HB 1038-FN, eliminating the tax stamp on lucky 7 tickets. OUGHT TO PASS WITH AMENDMENT.

The Committee is using the bill as a vehicle to raise the Meals and Rooms Tax from 7 percent to 8 percent for the remainder of the biennium. It is anticipated that this increase will yield \$13.9 million to the general fund after \$1 million is appropriated to the Department of Resources and Economic Development for travel promotion. The purposes of the original HB 1038 are accomplished in HB 1057. Vote 12-4. Rep. Donna P. Sytek for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to revenue raising measures and certain appropriations.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Meals and Rooms Tax for Biennium. Notwithstanding the provisions of RSA 78-A, the tax imposed under RSA 78-A:6 shall be imposed as follows for the period beginning April 1, 1990, and ending June 30, 1991:

I. A tax of 8 percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) Three cents for a charge between \$.36 and \$.37 inclusive;

(b) Four cents for a charge between \$.38 and \$.50 inclusive;

(c) Five cents for a charge between \$.51 and \$.62 inclusive;

(d) Six cents for a charge between \$.63 and \$.75 inclusive;

(e) Seven cents for a charge between \$.76 and \$.87 inclusive;

(f) Eight cents for a charge between \$.88 and \$1.00 inclusive.

(g) Eight percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

2 Supplemental Appropriation; Department of Resources and Economic Development; Vacation Travel Promotion. The following sums are hereby appropriated to the department of resources and economic development for fiscal year 1991 to PAU 03, 03, 02, 03, class lines 90 and 93. This appropriation is in addition to any other funds appropriated to such PAU for the biennium.

Fiscal Year 1991

| | |
|----------------------------------|-----------|
| 90 Printing Adv. Branch Office | \$535,500 |
| 93 Joint Promotional Advertising | \$314,500 |
| Total | \$850,000 |

The governor is authorized to draw his warrant for such sums out of any money in the treasury not otherwise appropriated.

3 Supplemental Appropriation; Department of Resources and Economic Development; Cannon Promotion Marketing. The sum of \$75,000 is hereby appropriated to the department of resources and economic development for fiscal year 1991 PAU 03, 03, 04, 02, 01, class line 92, Cannon-promotion marketing. This appropriation is in addition to any other funds appropriated to such PAU for the biennium. The governor is authorized to draw his warrant for such sum out of any money in the treasury not otherwise appropriated.

4 Supplemental Appropriation; Department of Resources and Economic Development; Sunapee Promotion Marketing. The sum of \$75,000 is hereby appropriated for fiscal year 1991 to PAU 03, 03, 04, 02, 02, class line 92, Sunapee-promotion marketing. This appropriation is in addition to any other funds appropriated to such PAU for the biennium. The governor is authorized to draw his warrant for such sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Section 1 of this act shall take effect April 1, 1990.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill increases the tax imposed upon meals and rooms from 7 to 8 percent for the period beginning April 1, 1990, and ending June 30, 1991.

The bill makes supplemental appropriations to the department of resources and economic development for 1991 for vacation travel promotion and Cannon and Sunapee promotion marketing.

Amendment adopted.

Reps. Pantelakos, Hollingworth and Braiterman spoke against the report.

Reps. Ahrens and Sytek spoke in favor of the report.

Rep. David Young spoke against the report and yielded to questions.

Rep. Gross spoke in favor of the report and yielded to questions.

(Speaker in the Chair)

Rep. Burling raised a point of order on the germaneness of the amendment.

The Chair ruled the amendment germane because the amendment changed the title to reflect the contents of the amendment.

A roll call was called for. Sufficiently seconded.

YEAS 185

NAYS 162

YEAS 185
BELKNAP

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rosen, Ralph J.
Ziegra, Alice S.

Hardy, Earle D.
Pearson, Ralph W.
Turner, Robert H.

Hawkins, Robert S.
Rice, Thomas, Jr.
Vogler, Charles C.

CARROLL

| | | |
|-----------------------|---------------------------|---------------------|
| Allard, Nanci A. | Dickinson, Howard C., Jr. | Foster, Robert W. |
| MacDonald, Kenneth J. | Powers, Gerard E., Jr. | Saunders, Howard N. |
| Wiggin, Allen R. | | |

CHESHIRE

| | | |
|-----------------------|----------------------|----------------------|
| Cole, Stacey W. | Crutchley, Donald O. | Delano, Robert F. |
| Gordon, Irvin H. | Grodin, Richard A. | Hunt, John B. |
| Metzger, Katherine H. | Morse, Jo-Ann T. | Pearson, Gertrude B. |
| Perry, David M. | Sawyer, Alfred P. | |

COOS

| | | |
|-----------------------|-----------------------------|------------------|
| Brungot, Catherine V. | Buckley, C. Fitzgerald, III | Burns, Harold W. |
| Dumont, Robert E. | Guay, Lawrence J. | Horton, Lynn C. |
| Marsh, Beaton | | |

GRAFTON

| | | |
|-------------------------|-----------------------|----------------------|
| Adams, Carl S. | Bean, Pamela B. | Bennett, Shirley M. |
| Brown, Channing T. | Christy, C. Dana | Driscoll, William J. |
| Hill, Richard L. | Rose, William B. | Scanlan, David M. |
| Shackett, Ralph E. | Teschner, Douglass P. | Townsend, Howard C. |
| Wadsworth, Karen O. | Ward, Kathleen W. | Weymouth, Philip H. |
| Whitcomb, Henry F., Jr. | White, Paul R. | |

HILLSBOROUGH

| | | |
|------------------------|--------------------------|------------------------|
| Ahrens, Frederick G. | Amidon, Eleanor H. | Andrews, Frederick B. |
| Barry, Vivian | Bicknell, Robert C. | Bowers, Dorothy C. |
| Cowenhoven, Garret P. | Cox, Gladys M. | Dodge, Emma M. |
| Drolet, Paul L. | Dyer, Merton S. | Emerton, Lawrence |
| Fields, Dennis H. | Ford, Nancy M. | Goulet, Maurice E. |
| Grip, Robert H. | Gureckis, Adam C., Sr. | Harlan, Susan N. |
| Holden, Carol H. | Keefe, Edmund M. | Kelley, Robert N. |
| Klose, John F. | Knight, Alice Tirrell | Kress, Gloria W. |
| Lachut, Ervin R. | Lawrence, Eva M. | Lown, Elizabeth |
| Mason, Howard F. | McCann, Bonnie Lou | McNerney, Daniel P. |
| Messier, Irene M. | Pappas, Toni | Paquette, Rodolphe G. |
| Perham, Lester R. | Prestipino, Bartolo V. | Record, Alice Barnard |
| Rheault, Lillian I. | Robinson, Ellen-Ann | Sallada, Roland A. |
| Schneiderat, Catherine | Searles, Stanley N., Sr. | Smith, Leonard A. |
| Steiner, Lee Anne | Stiles, Walter A. | Tarpley, Nancy L. |
| Tyree, Paul M. | Upton, Barbara Allen | Vanderlosk, Stanley R. |
| Wihby, Linda S. | | |

MERRIMACK

| | | |
|------------------------|---------------------|---------------------|
| Anderson, Eleanor M. | Apple, Lowell D. | Asplund, Bronwyn L. |
| Bardsley, Elizabeth S. | Boucher, Laurent J. | Carter, Susan D. |
| Fillion, Paul R. | Fraser, Leo W., Jr. | Gilbreth, Robert M. |
| Gross, Caroline L. | Hager, Elizabeth | Hall, Douglas E. |
| Hayes, Robert C. | Hill, Michael | Holmes, Mary C. |
| Kidder, William F. | Lewis, Mary Ann | Lockwood, Robert A. |
| Millard, Elizabeth S. | Nichols, Avis B. | Pantzer, Eugene |

Pfaff, Terence R.
Smith, Gerald R.
Whittemore, James A.

Phelps, James D.
Stio, Peter M.

Provencal, Leo A.
Teague, Bert

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
King, Roger C.
Mace, Ada L.
Roulston, Donald L.
Skinner, Patricia M.
Tufts, J. Arthur
Wells, Henry E.

Buco, Stephen
Conroy, Janet M.
Flanagan, Natalie S.
Forsythe, Douglas G.
Greene, Elizabeth A.
Johnson, Robert A.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Senter, Marilyn P.
Sochalski, Matthew M.
Vartanian, Elsie

Campbell, Eunice M.
Cooke, Annette M.
Flanders, Harry E.
Gage, Thomas U.
Haynes, Richard L.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Micklon, Stephanie K.
Sherburne, John L.
Sytek, Donna
Warburton, Calvin

STRAFFORD

Appleby, James E.
Keans, Sandra Balomenos
Musler, George T.
Swope, Warren L.

Bernard, Mary E.
Kinney, Paula J.
Parks, Joe B.
Torr, Ann M.

Foss, Patricia H.
Martling, W. Kent
Stewart, Glenn W.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 162

BELKNAP

Bolduc, Dennis R.
Randall, Kenneth A.

Golden, Paul A.
Richardson, Lawrence

Maviglio, Steven R.
Salatiello, Thomas

CARROLL

Chandler, Gene G.

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
LaMar, David M.
Pierce, David A.

Blacketor, Paul G.
Foster, Katherine Davis
Laurent, John J.
Spear, Susan

Cole, Kenneth A.
Hill, Douglas E.
Matson, William R.
Young, David A.

COOS

Kilbride, Dennis J.
Merrill, Gerald
Theriault, Romeo J.

Lemire, George
Nelson, Harold D.
Woodburn, Jeffrey R.

Mayhew, Josephine
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Dow, David
Nordgren, Sharon

Chambers, Mary P.
Guest, Robert H.
Stewart, Roger

Copenhaver, Marion L.
Markley, J. Keith

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Cote, David E.
Desrochers, Gerard T.
Donovan, Francis X.
Dwyer, Patricia R.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Healy, Daniel J.
Jean, Romeo W.
King, John A.
Leclerc, Charles J.
Moore, Elizabeth A.
Nardi, Theodora P.
Pepino, Leo P.
Reidy, Frank J.
Spaloss, Henry F.
Wheeler, David K.

Baldizar, Barbara J.
Brady, Carolyn L.
Culbert, Patrick
Dionne, Paul R.
Drabinowicz, A. Theresa
Dykstra, Leona
Foote, Herbert N., Sr.
Gerow, Sezen M.
Hall, Betty B.
Hultgren, David D.
Jenkins, Mary
Kurk, Neal M.
Lefebvre, Roland J.
Morrissette, Roland
Ouellette, Robert O.
Pignatelli, Debora B.
Riley, Frances L.
Toomey, Daniel
Wright, George W.

Barry, Janet Gail
Burkush, Peter
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hanselman, Gregory L.
Jasper, Shawn N.
Johnson, Lionel W.
Lawrence, Norman B.
McDowell, James E.
Murphy, Robert E.
Packard, Bonnie B.
Provost, Gilles R.
Rodgers, G. Philip
Turgeon, Roland M.

MERRIMACK

Barberia, Richard A.
Braiterman, Thea
Fair, Patricia A.
Shaw, Randall F.
Wallner, Mary Jane

Beaton, Nancy
Daneault, Gabriel
Jacobson, Alf E.
Soldati, Jennifer

Bennett, J. Allen
Dunn, Miriam
Johnson, C. William
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Lewis W.
Dube, LeRoy S.
Gage, Beverly A.
Kane, Cecelia D.
MacDonald, Joseph A.
McCain, William F.
McKinney, Betsy
Parr, Ednapearl F.
Remick, Barbara R.
Seward, Russell G.
Stachowske, Vicki
Welch, David A.

Bell, Juanita
Caswell, Albert, Jr.
Fesh, Robert M.
Hoar, John, Jr.
Katsakiores, George N.
MacKinnon, Nancy W.
McCarthy, John James, Jr.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Ritzo, Eugene
Simon, Peter M.
Vaughn, Charles L.
Wright, David B.

Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Ford, Bert H.
Hynes, Carolyn E.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Pantelakos, Laura C.
Raynowska, Bernard J.
Schmidtchen, Rowland
Splaine, John E., Sr.
Weddle, Michael Rodney

STRAFFORD

Burton, Wayne M.
Flynn, Edward J.
Lachance, Douglass

Dionne, Albert J.
Frechette, Roland A.
Marston, Robert E.

Flynn, Anita A.
Gilmore, Gary
Merrill, Amanda

O'Brien, John
 Spencer, Leo J.
 Vincent, Francis C.

Pelley, Janet R.
 Sullivan, Henry P.
 Wheeler, Katherine Wells

Scharff, Thomas Edward
 Tsiros, William
 Young, John B.

SULLIVAN

Burling, Peter Hoe.,

and the bill was ordered to third reading.

Reps. Hollingworth, Lozeau, Larson and Avery abstained from voting under Rule 16.

HB 1505-FN-A, relative to highway fund taxes and fees. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1505, as amended, imposes a two cent per gallon tax increase on all motor fuels, plus a \$5 process fee for diesel fuel users and hazardous waste transporters. This act would take effect on April 1, 1990 and would generate enough funds to cover the projected deficit in the highway fund after the recommended budget reductions from the Appropriations Committee. This is taking into account the possible loss of funds from the pending lawsuit on the constitutionality of the current \$20 diesel fuel and hazardous waste transporters fees. Twelve percent of any increased fuel tax is returned to the towns and cities. Vote 14-1. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to motor vehicle road tolls and fees and a gasoline floor tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Decreased Fees; Certain Vehicles Which Transport Hazardous Material or Waste. RSA 21-P:20, IV is repealed and reenacted to read as follows:

IV. Fees for an annual and a single-trip license shall be \$5. Annual licenses shall expire on the January 1 following the date of issue.

2 Road Tolls on Users of Motor Fuel Increased. Amend the introductory paragraph of RSA 260:32 to read as follows:

There is hereby imposed a road toll of [\$.14] **\$.16** per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. Provided, that the road toll shall not apply to:

3 Fee for License Decreased. Amend RSA 260:52, V to read as follows:

V. Every user shall procure a user's license for each motor vehicle propelled by such fuel, which will expire on January 1 of each year, on such forms as the department may prescribe at a fee of [\$20] **\$5**. It shall be unlawful for any owner or driver to drive or cause to be driven any motor vehicle propelled by such fuel over the ways of this state unless he is the holder of a valid user's license or has been granted authority to drive on a temporary basis as provided in RSA 260:52, VI. Notwithstanding this provision, all pleasure-type vehicles registered exclusively in another state shall be exempted from the requirements of a user's license. For the purposes of this section, pleasure-type vehicles shall be limited to all vehicles with a registered gross weight of less than 7,000 pounds, recreational vehicles and buses which have been structurally altered for use as campers which are not common or contract carriers of passengers and do not have a seating capacity of more than 19 passengers.

4 Gasoline Floor Tax Imposed. Notwithstanding any other provision of law, there is hereby imposed on all gasoline on which the road toll has been paid or assessed, in the possession of any distributor, wholesaler or retailer at 12:01 a.m. April 1, 1990, a tax in the amount of 2 cents per gallon. All distributors, wholesalers and retailers shall determine their inventory of gasoline at 12:01 a.m. April 1, 1990, by measuring the gasoline in their possession and shall forward said inventory broken down by class of premium, regular, no lead, and premium no lead to the director of motor vehicles. Said distributors, wholesalers and retailers shall pay the tax imposed herein to the director of motor vehicles at the time of filing said inventory. All such inventories shall be filed and the tax paid no later than May 1, 1990. The director of motor vehicles is hereby authorized to require any person liable to pay the tax imposed herein to furnish such information as he shall deem necessary. He may adopt such reasonable rules and regulations as may be necessary to enforce this section. Such rules and regulations shall be deemed emergency in nature and shall not be subject to the RSA 541-A. Any person who furnishes false information, regarding the inventory which he has, which is taxable pursuant to this section shall be guilty of a misdemeanor.

5 Effective Date. This act shall take effect April 1, 1990.

AMENDED ANALYSIS

This bill raises the road toll imposed upon the sale of each gallon of motor fuel sold by New Hampshire fuel distributors from \$.14 to \$.16 per gallon on July 1, 1990.

The road toll on fuel other than motor fuel would be comparably increased under RSA 260:52, I.

The bill decreases license fees for certain vehicles which transport hazardous material or waste in such quantity and under such conditions that the vehicle is subject to the Code of Federal Regulations or the rules of the division of waste management, department of environmental services and also decreases license fees for users of vehicles propelled by fuel other than motor fuel.

The bill also levies a gasoline floor tax on distributors, wholesalers and retailers.

Rep. Phelps spoke in favor of the report and yielded to questions.

Amendment adopted.

A roll call was called for. Sufficiently seconded.

YEAS 253

NAYS 90

YEAS 253

BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Randall, Kenneth A.
Salatiello, Thomas
Ziegra, Alice S.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas, Jr.
Turner, Robert H.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.

Cole, Stacey W.
Foster, Katherine Davis

Crutchley, Donald O.
Gordon, Irvin H.

Grodin, Richard A.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Hunt, John B.
Pearson, Gertrude B.

Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton
Nelson, Harold D.

Burns, Harold W.
Horton, Lynn C.
Mayhew, Josephine
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Markley, J. Keith
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Arnesen, Deborah L.
Brown, Channing T.
Driscoll, William J.
Nordgren, Sharon
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Christy, C. Dana
Larson, Nils H., Jr.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Dodge, Emma M.
Dube, Ellen C.
Emerton, Lawrence
Goulet, Maurice E.
Hanselman, Gregory L.
Hultgren, David D.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Lown, Elizabeth
McNerney, Daniel P.
Murphy, Robert E.
Paquette, Rodolphe G.
Record, Alice Barnard
Rodgers, G. Philip
Smith, Leonard A.
Tarpley, Nancy L.
Upton, Barbara Allen
Wihby, Linda S.

Alukonis, David J.
Barry, Vivian
Cowenhoven, Garret P.
Donovan, Francis X.
Dyer, Merton S.
Fields, Dennis H.
Grip, Robert H.
Harlan, Susan N.
Jean, Romeo W.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Eva M.
Mason, Howard F.
Messier, Irene M.
Nardi, Theodora P.
Perham, Lester R.
Rheault, Lillian I.
Sallada, Roland A.
Steiner, Lee Anne
Turgeon, Roland M.
Vanderlosk, Stanley R.

Amidon, Eleanor H.
Bicknell, Robert C.
Desrochers, Gerard T.
Drolet, Paul L.
Dykstra, Leona
Ford, Nancy M.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jenkins, Mary
Klose, John F.
Kurk, Neal M.
Lawrence, Norman B.
McCann, Bonnie Lou
Moore, Elizabeth A.
Packard, Bonnie B.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Schneiderat, Catherine
Stiles, Walter A.
Tyree, Paul M.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Barberia, Richard A.
Bennett, J. Allen
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.

Apple, Lowell D.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth

Asplund, Bronwyn L.
Beaton, Nancy
Braiterman, Thea
Fair, Patricia A.
Gilbréth, Robert M.
Hall, Douglas E.

Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Smith, Gerald R.
Wallner, Mary Jane

Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Provencal, Leo A.
Stio, Peter M.
Whittemore, James A.

Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Bucu, Stephen
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Flanders, Harry E.
Gage, Thomas U.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
Mace, Ada L.
McCarthy, John James, Jr.
Parr, Edna Pearl F.
Roulston, Donald L.
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie
Welch, David A.

Benton, Richardson D.
Campbell, Eunice M.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gourdeau, Raymond H.
Hoar, John, Jr.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McKinney, Betsy
Popov, Elizabeth M.
Senter, Marilyn P.
Simon, Peter M.
Sytek, Donna
Warburton, Calvin
Wells, Henry E.

Brown, Jeffrey M.
Campbell, Marilyn R.
Cooke, Annette M.
Flanagan, Natalie S.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
McCain, William F.
Micklon, Stephanie K.
Remick, Barbara R.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Weddle, Michael Rodney
Wright, David B.

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
O'Brien, John
Spencer, Leo J.
Torr, Ann M.
Young, John B.

Bernard, Mary E.
Flynn, Edward J.
Kinney, Paula J.
Merrill, Amanda
Parks, Joe B.
Stewart, Glenn W.
Torr, Ralph W.

Burton, Wayne M.
Foss, Patricia H.
Marston, Robert E.
Musler, George T.
Scharff, Thomas Edward
Swope, Warren L.
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 90

BELKNAP

Golden, Paul A.

Maviglio, Steven R.

Richardson, Lawrence

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
Laurent, John J.
Young, David A.

Blacketor, Paul G.
Hill, Douglas E.
Matson, William R.

Cole, Kenneth A.
LaMar, David M.
Spear, Susan

COOS

Buckley, C. Fitzgerald, III Lemire, George Woodburn, Jeffrey R.

GRAFTON

Chambers, Mary P. Dow, David Guest, Robert H.
 Hill, Richard L.

HILLSBOROUGH

| | | |
|-------------------------|------------------------|--------------------------|
| Barry, Janet Gail | Beaupre, Roland O. | Brady, Carolyn L. |
| Burkush, Peter | Cote, David E. | Culbert, Patrick |
| Daigle, Robert Arthur | Dionne, Paul R. | Domaingue, Jacquelyn |
| Drabinowicz, A. Theresa | Dwyer, Patricia R. | Elliott, Larry G. |
| Flood, Jacqueline J. | Foote, Herbert N., Sr. | Frank, Nancy G. |
| Gagnon, Gabrielle V. | Gerow, Sezen M. | Green, Scott E. |
| Haettenschwiller, A. A. | Hall, Betty B. | Healy, Daniel J. |
| Jasper, Shawn N. | Johnson, Lionel W. | King, John A. |
| Leclerc, Charles J. | Lefebvre, Roland J. | Lozeau, Donnalee |
| McDowell, James E. | Morrisette, Roland | Ouellette, Robert O. |
| Pepino, Leo P. | Pignatelli, Debora B. | Provost, Gilles R. |
| Reidy, Frank J. | Riley, Frances L. | Searles, Stanley N., Sr. |
| Spaloss, Henry F. | Wright, George W. | |

MERRIMACK

Daneault, Gabriel Soldati, Jennifer Trombly, Rick A.

ROCKINGHAM

| | | |
|--------------------------|------------------------|-----------------------|
| Bell, Juanita | Brown, Lewis W. | Caswell, Albert, Jr. |
| Fesh, Robert M. | Ford, Bert H. | Gage, Beverly A. |
| Hollingworth, Beverly A. | Hynes, Carolyn E. | Kane, Cecelia D. |
| Lovejoy, Virginia K. | MacDonald, Joseph A. | MacKinnon, Nancy W. |
| McGovern, Cynthia A. | Palazzo, Frank J., Sr. | Pantelakos, Laura C. |
| Raynowska, Bernard J. | Schmidtchen, Rowland | Splaine, John E., Sr. |
| Stachowske, Vicki | Vaughn, Charles L. | |

STRAFFORD

| | | |
|-------------------|---------------------|-------------------------|
| Dionne, Albert J. | Gilmore, Gary | Keans, Sandra Balomenos |
| Lachance, Douglas | Pelley, Janet R. | Sullivan, Henry P. |
| Tsiros, William | Vincent, Francis C. | |

SULLIVAN

Burling, Peter Hoe.,

and the bill was ordered to third reading.

Rep. Malcolm wished to be recorded in favor of the report.

HB 1039-FN-A, relative to a bingo fee. **OUGHT TO PASS.**

This bill increases the tax on bingo from 5 percent to 7 percent. It is estimated that \$850,000 revenue per annum will be added to the sweepstakes fund. Vote 13-0. Rep. Donna P. Sytek for Ways and Means.

Rep. Betty Hall spoke to the report.

Rep. Sytek yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 256**NAYS 81****YEAS 256****BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Chandler, Gene G.
MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Kenneth A.
Delano, Robert F.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Spear, Susan

Cole, Stacey W.
Foster, Katherine Davis
Hunt, John B.
Metzger, Katherine H.
Pierce, David A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Driscoll, William J.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Arnesen, Deborah L.
Brown, Channing T.
Larson, Nils H., Jr.
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet Gail
Bicknell, Robert C.
Desrochers, Gerard T.
Donovan, Francis X.
Dube, Ellen C.
Fields, Dennis H.
Frank, Nancy G.
Grip, Robert H.
Healy, Daniel J.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Lefebvre, Roland J.
McCann, Bonnie Lou

Amidon, Eleanor H.
Barry, Vivian
Bowers, Dorothy C.
Dionne, Paul R.
Drabinowicz, A. Theresa
Dyer, Merton S.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Holden, Carol H.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Eva M.
Lown, Elizabeth
McNerney, Daniel P.

Andrews, Frederick B.
Beaupre, Roland O.
Cowenhoven, Garret P.
Dodge, Emma M.
Drolet, Paul L.
Emerton, Lawrence
Ford, Nancy M.
Goulet, Maurice E.
Harlan, Susan N.
Jean, Romeo W.
Klose, John F.
Kurk, Neal M.
Lawrence, Norman B.
Mason, Howard F.
Messier, Irene M.

Moore, Elizabeth A.
Packard, Bonnie B.
Perham, Lester R.
Rheault, Lillian I.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.
Wihby, Linda S.

Morrisette, Roland
Pappas, Toni
Prestipino, Bartolo V.
Riley, Frances L.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Upton, Barbara Allen

Murphy, Robert E.
Paquette, Rodolphe G.
Record, Alice Barnard
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Turgeon, Roland M.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Barberia, Richard A.
Bennett, J. Allen
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Smith, Gerald R.

Apple, Lowell D.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Provencal, Leo A.
Stio, Peter M.

Asplund, Bronwyn L.
Beaton, Nancy
Braiterman, Thea
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Buco, Stephen
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, Harry E.
Gage, Beverly A.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McCarthy, John James, Jr.
Parr, Ednappearl F.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie
Wells, Henry E.

Brown, Jeffrey M.
Campbell, Eunice M.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Thomas U.
Haynes, Richard L.
Hynes, Carolyn E.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Magoon, Harold F.
McKinney, Betsy
Remick, Barbara R.
Senter, Marilyn P.
Simon, Peter M.
Sytek, Donna
Vaughn, Charles L.
Wright, David B.

Brown, Lewis W.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Flanagan, Natalie S.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoar, John, Jr.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
McCain, William F.
Micklon, Stephanie K.
Ritzo, Eugene
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Warburton, Calvin

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Frechette, Roland A.
Marston, Robert E.

Bernard, Mary E.
Flynn, Edward J.
Keans, Sandra Balomenos
Martling, W. Kent

Burton, Wayne M.
Foss, Patricia H.
Kinney, Paula J.
O'Brien, John

Parks, Joe B.
Stewart, Glenn W.
Torr, Ann M.

Scharff, Thomas Edward
Sullivan, Henry P.
Torr, Ralph W.

Spencer, Leo J.
Swope, Warren L.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 81

BELKNAP

Maviglio, Steven R.

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Hill, Douglas E.
Young, David A.

Blacketor, Paul G.
Matson, William R.

Doucette, Richard F.
Perry, David M.

COOS

Buckley, C. Fitzgerald, III
Woodburn, Jeffrey R.

Mayhew, Josephine

Oleson, Otto H.

GRAFTON

Chambers, Mary P.
Guest, Robert H.
Stewart, Roger

Copenhaver, Marion L.
Markley, J. Keith

Dow, David
Nordgren, Sharon

HILLSBOROUGH

Alukonis, David J.
Burkush, Peter
Daigle, Robert Arthur
Dykstra, Leona
Gerow, Sezen M.
Hall, Betty B.
Jasper, Shawn N.
King, John A.
Nardi, Theodora P.
Pignatelli, Debora B.
Spaloss, Henry F.

Baldizar, Barbara J.
Cote, David E.
Domaingue, Jacquelyn
Elliott, Larry G.
Green, Scott E.
Hanselman, Gregory L.
Jenkins, Mary
Leclerc, Charles J.
Ouellette, Robert O.
Provost, Gilles R.
Wheeler, David K.

Brady, Carolyn L.
Culbert, Patrick
Dwyer, Patricia R.
Foote, Herbert N., Sr.
Haettenschwiller, A. A.
Hultgren, David D.
Johnson, Lionel W.
Lozeau, Donnalee
Pepino, Leo P.
Reidy, Frank J.
Wright, George W.

MERRIMACK

Daneault, Gabriel
Wallner, Mary Jane

Soldati, Jennifer

Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Ford, Bert H.
MacKinnon, Nancy W.
Pantelakos, Laura C.
Splaine, John E., Sr.
Welch, David A.

Bell, Juanita
Hollingworth, Beverly A.
McGovern, Cynthia A.
Popov, Elizabeth M.
Stachowske, Vicki

Caswell, Albert, Jr.
Kane, Cecelia D.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Weddle, Michael Rodney

STRAFFORD

Dionne, Albert J.
 Vincent, Francis C.

Lachance, Douglas
 Wheeler, Katherine Wells

Pelley, Janet R.

SULLIVAN

Burling, Peter Hoe.,

and the bill was ordered to third reading.

Rep. Malcolm wished to be recorded in favor of the report.

HB 1057-FN-A, relative to a fee for lucky 7 tickets. **OUGHT TO PASS.**

This bill establishes a fee structure to be paid by distributors of Lucky 7 tickets and eliminates the requirement for a tax stamp on a bag or box of Lucky 7 tickets. Vote 13-0. Rep. Donna P. Sytek for Ways and Means.

Rep. Betty Hall requested a roll call.

A roll call was called for. Sufficiently seconded.

YEAS 265**NAYS 72****YEAS 265****BELKNAP**

Bolduc, Dennis R.
 Hardy, Earle D.
 Pearson, Ralph W.
 Richardson, Lawrence
 Vogler, Charles C.

Campbell, Richard H., Jr.
 Hawkins, Robert S.
 Randall, Kenneth A.
 Rosen, Ralph J.
 Ziegra, Alice S.

Golden, Paul A.
 Holbrook, Robert G.
 Rice, Thomas, Jr.
 Turner, Robert H.

CARROLL

Allard, Nanci A.
 Foster, Robert W.
 Saunders, Howard N.

Chandler, Gene G.
 MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
 Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
 Crutchley, Donald O.
 Grodin, Richard A.
 Laurent, John J.
 Morse, Jo-Ann T.
 Sawyer, Alfred P.

Cole, Kenneth A.
 Delano, Robert F.
 Hunt, John B.
 Matson, William R.
 Pearson, Gertrude B.
 Spear, Susan

Cole, Stacey W.
 Gordon, Irvin H.
 LaMar, David M.
 Metzger, Katherine H.
 Pierce, David A.
 Young, David A.

COOS

Brungot, Catherine V.
 Guay, Lawrence J.
 Lemire, George
 Merrill, Gerald

Burns, Harold W.
 Horton, Lynn C.
 Marsh, Beaton
 Nelson, Harold D.

Dumont, Robert E.
 Kilbride, Dennis J.
 Mayhew, Josephine

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Christy, C. Dana
 Larson, Nils H., Jr.
 Shackett, Ralph E.
 Townsend, Howard C.
 Weymouth, Philip H.

Arnesen, Deborah L.
 Brown, Channing T.
 Driscoll, William J.
 Rose, William B.
 Stewart, Roger
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Bean, Pamela B.
 Chambers, Mary P.
 Guest, Robert H.
 Scanlan, David M.
 Teschner, Douglass P.
 Ward, Kathleen W.
 White, Paul R.

HILLSBOROUGH

| | | |
|------------------------|------------------------|--------------------------|
| Ahrens, Frederick G. | Alukonis, David J. | Amidon, Eleanor H. |
| Andrews, Frederick B. | Barry, Janet Gail | Barry, Vivian |
| Beaupre, Roland O. | Bicknell, Robert C. | Bowers, Dorothy C. |
| Cowenhoven, Garret P. | Desrochers, Gerard T. | Dionne, Paul R. |
| Dodge, Emma M. | Donovan, Francis X. | Drabinowicz, A. Theresa |
| Drolet, Paul L. | Dube, Ellen C. | Dyer, Merton S. |
| Emerton, Lawrence | Fields, Dennis H. | Flood, Jacqueline J. |
| Ford, Nancy M. | Frank, Nancy G. | Goulet, Maurice E. |
| Grip, Robert H. | Gureckis, Adam C., Sr. | Harlan, Susan N. |
| Healy, Daniel J. | Holden, Carol H. | Jean, Romeo W. |
| Keefe, Edmund M. | Kelley, Robert N. | Klose, John F. |
| Knight, Alice Tirrell | Kress, Gloria W. | Kurk, Neal M. |
| Lachut, Ervin R. | Lawrence, Eva M. | Lawrence, Norman B. |
| Leclerc, Charles J. | Lown, Elizabeth | Mason, Howard F. |
| McCann, Bonnie Lou | McNerney, Daniel P. | Messier, Irene M. |
| Moore, Elizabeth A. | Murphy, Robert E. | Packard, Bonnie B. |
| Pappas, Toni | Paquette, Rodolphe G. | Perham, Lester R. |
| Prestipino, Bartolo V. | Record, Alice Barnard | Rheault, Lillian I. |
| Riley, Frances L. | Robinson, Ellen-Ann | Rodgers, G. Philip |
| Sallada, Roland A. | Schneiderat, Catherine | Searles, Stanley N., Sr. |
| Smith, Leonard A. | Spaloss, Henry F. | Steiner, Lee Anne |
| Stiles, Walter A. | Tarpley, Nancy L. | Turgeon, Roland M. |
| Tyree, Paul M. | Upton, Barbara Allen | Vanderlosk, Stanley R. |
| Wihby, Linda S. | | |

MERRIMACK

| | | |
|-----------------------|------------------------|----------------------|
| Anderson, Eleanor M. | Apple, Lowell D. | Asplund, Bronwyn L. |
| Barberia, Richard A. | Bardsley, Elizabeth S. | Beaton, Nancy |
| Bennett, J. Allen | Boucher, Laurent J. | Braiterman, Thea |
| Carter, Susan D. | Daneault, Gabriel | Dunn, Miriam |
| Fair, Patricia A. | Fillion, Paul R. | Fraser, Leo W., Jr. |
| Gilbreth, Robert M. | Gross, Caroline L. | Hager, Elizabeth |
| Hall, Douglas E. | Hayes, Robert C. | Hill, Michael |
| Holmes, Mary C. | Jacobson, Alf E. | Johnson, C. William |
| Kidder, William F. | Lewis, Mary Ann | Lockwood, Robert A. |
| Millard, Elizabeth S. | Nichols, Avis B. | Pantzer, Eugene |
| Pfaff, Terence R. | Phelps, James D. | Provencal, Leo A. |
| Shaw, Randall F. | Smith, Gerald R. | Soldati, Jennifer |
| Stio, Peter M. | Trombly, Rick A. | Whittemore, James A. |

ROCKINGHAM

| | | |
|------------------------|-------------------------|------------------------|
| Benton, Richardson D. | Brown, Lewis W. | Buco, Stephen |
| Campbell, Eunice M. | Chase, Lawrence A., Jr. | Conroy, Janet M. |
| Cooke, Annette M. | Dube, LeRoy S. | Felch, Charles H., Sr. |
| Fesh, Robert M. | Flanagan, Natalie S. | Flanders, Harry E. |
| Flanders, John W., Sr. | Ford, Bert H. | Forsythe, Douglas G. |
| Gage, Beverly A. | Gage, Thomas U. | Gourdeau, Raymond H. |
| Greene, Elizabeth A. | Haynes, Richard L. | Hoar, John, Jr. |
| Hoelzel, Kathleen M. | Hynes, Carolyn E. | Johnson, Robert A. |

Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCarthy, John James, Jr.
 Micklon, Stephanie K.
 Ritzo, Eugene
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Warburton, Calvin
 Wright, David B.

Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Parr, Ednapearl F.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Welch, David A.

King, Roger C.
 Lovejoy, Virginia K.
 McCain, William F.
 McKinney, Betsy
 Remick, Barbara R.
 Senter, Marilyn P.
 Simon, Peter M.
 Sytek, Donna
 Vaughn, Charles L.
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Flynn, Anita A.
 Frechette, Roland A.
 Marston, Robert E.
 Scharff, Thomas Edward
 Sullivan, Henry P.
 Torr, Ralph W.

Bernard, Mary E.
 Flynn, Edward J.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Spencer, Leo J.
 Swope, Warren L.
 Young, John B.

Burton, Wayne M.
 Foss, Patricia H.
 Kinney, Paula J.
 Parks, Joe B.
 Stewart, Glenn W.
 Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

NAYS 72

BELKNAP

Maviglio, Steven R.

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
 Foster, Katherine Davis

Blacketor, Paul G.
 Hill, Douglas E.

Doucette, Richard F.
 Perry, David M.

COOS

Oleson, Otto H.

Woodburn, Jeffrey R.

GRAFTON

Copenhaver, Marion L.
 Nordgren, Sharon

Dow, David

Markley, J. Keith

HILLSBOROUGH

Baldizar, Barbara J.
 Cote, David E.
 Domaingue, Jacquelyn
 Elliott, Larry G.
 Gerow, Sezen M.
 Hall, Betty B.
 Jasper, Shawn N.
 King, John A.

Brady, Carolyn L.
 Culbert, Patrick
 Dwyer, Patricia R.
 Foote, Herbert N., Sr.
 Green, Scott E.
 Hanselman, Gregory L.
 Jenkins, Mary
 Lefebvre, Roland J.

Burkush, Peter
 Daigle, Robert Arthur
 Dykstra, Leona
 Gagnon, Gabrielle V.
 Haettenschwiller, A. A.
 Hultgren, David D.
 Johnson, Lionel W.
 Lozeau, Donnalee

McDowell, James E.
Ouellette, Robert O.
Provost, Gilles R.
Wright, George W.

Morrisette, Roland
Pepino, Leo P.
Reidy, Frank J.

Nardi, Theodora P.
Pignatelli, Debora B.
Wheeler, David K.

MERRIMACK

Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
MacKinnon, Nancy W.
Popov, Elizabeth M.
Stachowske, Vicki

Bell, Juanita
Hollingworth, Beverly A.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Weddle, Michael Rodney

Brown, Jeffrey M.
Kane, Cecelia D.
Pantelakos, Laura C.
Splaine, John E., Sr.

STRAFFORD

Dionne, Albert J.
Pelley, Janet R.

Lachance, Douglas
Vincent, Francis C.

O'Brien, John
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoc.,
and the bill was ordered to third reading.

Rep. Malcolm wished to be recorded in favor of the report.

The Chair called for the Special Order.

HB 1064-FN, relative to discounts for the sale of wine. **OUGHT TO PASS WITH AMENDMENT.**

The bill, as amended, reduces the discounts for wine purchases by off-premises licensees to 15 percent (down from the present 20 percent) if bought at the warehouse, and to zero percent (down from the present 15 percent) if bought at the retail liquor store. The reduction implements the policy of the Regulated Revenues Committee to encourage warehouse purchases by licensees. The bill also allows off-premise licensees to sell fortified wines (alcohol content between 14 percent and 24 percent) at their stores. State revenues should increase by \$1.7 million over the biennium. There will be no impact on state expenditures or on county or local revenues or expenditures. Vote 12-2. Rep. Donna P. Sytek for Ways and Means.

Rep. Simon moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Sytek and Domaingue spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 298

NAYS 40

YEAS 298

BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Salatiello, Thomas
Ziegra, Alice S.

Golden, Paul A.
Maviglio, Steven R.
Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Cole, Kenneth A.
Foster, Katherine Davis
Hill, Douglas E.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

Barber, Robert E., Jr.
Crutchley, Donald O.
Gordon, Irvin H.
Hunt, John B.
Matson, William R.
Pierce, David A.

Blacketor, Paul G.
Doucette, Richard F.
Grodin, Richard A.
LaMar, David M.
Metzger, Katherine H.
Spear, Susan

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Driscoll, William J.
Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.
Markley, J. Keith
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Chambers, Mary P.
Dow, David
Hill, Richard L.
Nordgren, Sharon
Stewart, Roger
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Barry, Vivian
Bowers, Dorothy C.
Cowenhoven, Garret P.
Dionne, Paul R.
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Fields, Dennis H.
Gagnon, Gabrielle V.
Green, Scott E.
Haettenschwiller, A. A.
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
Kelley, Robert N.
Knight, Alice Tirrell
Lachut, Ervin R.

Alukonis, David J.
Baldizar, Barbara J.
Beaupre, Roland O.
Burkush, Peter
Culbert, Patrick
Dodge, Emma M.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Elliott, Larry G.
Flood, Jacqueline J.
Gerow, Sezen M.
Grip, Robert H.
Hall, Betty B.
Healy, Daniel J.
Jasper, Shawn N.
Johnson, Lionel W.
King, John A.
Kress, Gloria W.
Lawrence, Eva M.

Amidon, Eleanor H.
Barry, Janet Gail
Bicknell, Robert C.
Cote, David E.
Desrochers, Gerard T.
Domaingue, Jacquelyn
Drolet, Paul L.
Dyer, Merton S.
Emerton, Lawrence
Ford, Nancy M.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Holden, Carol H.
Jean, Romeo W.
Keefe, Edmund M.
Klose, John F.
Kurk, Neal M.
Lawrence, Norman B.

Lefebvre, Roland J.
Mason, Howard F.
McNerney, Daniel P.
Morrissette, Roland
Ouellette, Robert O.
Paquette, Rodolphe G.
Pignatelli, Debora B.
Record, Alice Barnard
Riley, Frances L.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Lown, Elizabeth
McCann, Bonnie Lou
Messier, Irene M.
Murphy, Robert E.
Packard, Bonnie B.
Pepino, Leo P.
Prestipino, Bartolo V.
Reidy, Frank J.
Robinson, Ellen-Ann
Schneiderat, Catherine
Spaloss, Henry F.
Turgeon, Roland M.
Wheeler, David K.

Lozeau, Donnalee
McDowell, James E.
Moore, Elizabeth A.
Nardi, Theodora P.
Pappas, Toni
Perham, Lester R.
Provost, Gilles R.
Rheault, Lillian I.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara Allen
Wright, George W.

MERRIMACK

Apple, Lowell D.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Daneault, Gabriel
Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Shaw, Randall F.
Stio, Peter M.

Asplund, Bronwyn L.
Beaton, Nancy
Braiterman, Thea
Dunn, Miriam
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Smith, Gerald R.
Wallner, Mary Jane

Barberia, Richard A.
Bennett, J. Allen
Carter, Susan D.
Fair, Patricia A.
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Brown, Lewis W.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Beverly A.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Kane, Cecelia D.
King, Roger C.
MacKinnon, Nancy W.
McCain, William F.
Pallazo, Frank J., Sr.
Popov, Elizabeth M.
Ritzo, Eugene
Simon, Peter M.
Splaine, John E., Sr.
Vartanian, Elsie
Welch, David A.

Bell, Juanita
Campbell, Eunice M.
Conroy, Janet M.
Fesh, Robert M.
Ford, Bert H.
Gage, Thomas U.
Haynes, Richard L.
Hollingworth, Beverly A.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McCarthy, John James, Jr.
Pantelakos, Laura C.
Raynowska, Bernard J.
Schmidtchen, Rowland
Skinner, Patricia M.
Sytek, Donna
Vaughn, Charles L.
Wells, Henry E.

Benton, Richardson D.
Caswell, Albert, Jr.
Cooke, Annette M.
Flanagan, Natalie S.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoar, John, Jr.
Hynes, Carolyn E.
Katsakiores, Phyllis
Lovejoy, Virginia K.
Magoon, Harold F.
McKinney, Betsy
Parr, Ednapearl F.
Remick, Barbara R.
Senter, Marilyn P.
Sochalski, Matthew M.
Tufts, J. Arthur
Weddle, Michael Rodney
Wright, David B.

STRAFFORD

Appleby, James E.
 Dionne, Albert J.
 Foss, Patricia H.
 Lachance, Douglas
 Pelley, Janet R.
 Stewart, Glenn W.
 Torr, Ann M.
 Young, John B.

Bernard, Mary E.
 Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 Scharff, Thomas Edward
 Sullivan, Henry P.
 Tsiros, William

Burton, Wayne M.
 Flynn, Edward J.
 Kinney, Paula J.
 Parks, Joe B.
 Spencer, Leo J.
 Swope, Warren L.
 Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
 Hinrichsen, Keith
 Peyron, Fredrik

Domini, Irene C.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Flint, Gordon B.
 Middleton, John A.
 Schotanus, Merle W.

**NAYS 40
BELKNAP**

Holbrook, Robert G.

Rosen, Ralph J.

CHESHIRE

Cole, Stacey W.
 Perry, David M.

Delano, Robert F.
 Sawyer, Alfred P.

Morse, Jo-Ann T.

COOS

Woodburn, Jeffrey R.

GRAFTON

Rose, William B.

Teschner, Douglass P.

HILLSBOROUGH

Brady, Carolyn L.
 Frank, Nancy G.
 Tyree, Paul M.

Daigle, Robert Arthur
 Leclerc, Charles J.
 Wihby, Linda S.

Foote, Herbert N., Sr.
 Steiner, Lee Anne

MERRIMACK

Anderson, Eleanor M.
 Trombly, Rick A.

Gilbreth, Robert M.
 Whittemore, James A.

Provencal, Leo A.

ROCKINGHAM

Brown, Jeffrey M.
 Johnson, Robert A.
 Roulston, Donald L.
 Warburton, Calvin

Buco, Stephen
 McGovern, Cynthia A.
 Seward, Russell G.

Dube, LeRoy S.
 Micklon, Stephanie K.
 Sherburne, John L.

STRAFFORD

Keans, Sandra Balomenos
 Torr, Ralph W.

Marston, Robert E.
 Vincent, Francis C.

O'Brien, John

SULLIVAN

Behrens, Thomas A.
 and the resolution was adopted.

Krueger, Richard H.,

Reps. Klemm and Stachowske abstained from voting under Rule 16.

Rep. Malcolm wished to be recorded in favor of the motion.

Reps. Wihby, Brady and Micklon informed the Clerk that they inadvertently voted nay and meant to vote yea.

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, February 13, at 1:00.

Adopted.

LATE SESSION

Third reading and final passage

HB 1504-FN-A, increasing the tobacco tax.

HB 1503-FN, relative to certain general fund fees and revenues and certification of wastewater treatment plant operators.

HB 1390-FN-A, to impose a communications services tax and making an appropriation therefor.

HB 1170-FN, to increase the real estate transfer tax for the biennium ending June 30, 1991.

HB 1502-FN-A, increasing the beer tax.

HB 1038-FN-A, relative to revenue raising measures and certain appropriations.

HB 1505-FN-A, relative to motor vehicle road tolls and fees and a gasoline floor tax.

HB 1039-FN-A, relative to a bingo fee.

HB 1057-FN-A, relative to a fee for lucky 7 tickets.

RECONSIDERATION

Having voted with the prevailing side, Rep. Burns moved that the House reconsider its action whereby it passed HBs 1039, 1057, 1504, 1503, 1390, 1170, 1502, 1038 and 1505 and asked the House to vote no.

Motion failed.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 5:10 p.m.

HOUSE JOURNAL No. 11

Tuesday, February 13, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend Marilyn Bushnell, East Congregational Church, Concord, guest of Rep. Margaret Foster.

Gracious God: These faithful and responsible representatives have gathered here today yet one more time wondering how to balance the many competing demands upon them. Some have come weary and frustrated, yet all are strong in their determination to be the best that they can be—to do the best that they can do.

In the quiet of these few moments as they begin this afternoon of decision-making, help them to a sense of calm and stillness that they may sort out their own tangled thoughts and feelings.

As they debate now among themselves may they have ears that do truly hear, eyes open to see into the future, minds and hearts willing to listen to viewpoints different from their own.

And then having disagreed among themselves, as they undoubtedly will do, may they continue to be together as faithful citizens of this state and of the world. Amen.

Rep. Pantelakos led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Drabinowicz, Daniel Eaton, Kincaid, William McCann, Pratt, Sanderson, Ralph Torr and Wall, the day, illness.

Reps. Avery, Ballou, Lionel Boucher, Bourque, Callaghan, Drake, Marsh, Marston, Remick, Rheault, Schmidchen, Simon, Steiner and Theriault, the day, important business.

Reps. Hayes, Guay and Wells, the day, death in family.

Rep. Blanchard, the day, illness in family.

INTRODUCTION OF GUESTS

Greta Whittemore and Mr. and Mrs. Stanley Young of Kennebunk, Maine, wife and guests of Rep. James Whittemore; Jeffrey Forgit, 15th birthday, guest of Rep. Leo Fraser; Wayne MacDonald of Londonderry, guest of Rep. Robert Ouellette; Judge Jean Burling and Master Jonathan Burling, guests of Rep. Burling; Mary Ann Foster and Barbara Clough, wife and guests of Rep. Robert Foster; Muriel Wheeler of Milford and several residents of the Crestwood Health Care Center in Milford, the Milford Nursing Home and Pheasantwood Nursing Home (Peterborough), mother and guests of Rep. Wheeler; Mary Hoyt McNerney, wife and guest of Rep. Daniel McNerney; Christopher Messier and Mary Brennan both of Manchester, son and guests of Rep. Irene Messier; Ellen, Meredith and Jennifer Zampino and Laura Ginsberg, sister, nieces and guests of Rep. Gilmore; Gordon Upton, husband and guest of Rep. Barbara Upton; Helen Holbrook, wife and guest of Rep. Robert Holbrook; Professor Douglas Wheeler, husband and guest of Rep. Katherine Wheeler.

SENATE MESSAGES

CONCURRENCE

HB 552-FN, relative to assessment of conservation lands.

HB 596-FN, limiting personal liability of certain fire department, emergency service, and rescue squad members.

HB 746-FN, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees.

HB 1044, relative to fees of justices of the peace and notaries public.

HB 1048-FN, relative to rabies control of dogs.

HB 1053, relative to the patients' bill of rights.

HB 1136, relative to filing of annual reports with the secretary of state.

HB 1146-FN, relative to confidential information concerning a child who is subject to placement with persons or agencies.

HB 1149-FN, relative to expending national forest reserve funds in unincorporated towns and unorganized places.

ENROLLED BILLS REPORT

HB 563, relative to land surveyors and condominiums.

HB 674, relative to the Catastrophic Aid Act.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, was removed at the request of Rep. Ward.

Adopted.

HB 1168-FN, relative to sexual abuse of children. **INEXPEDIENT TO LEGISLATE**.

This bill is well-intentioned, but as of now there is an active committee, the Attorney General's Task Force, to study the problem associated with the prosecution of child sexual abuse, chaired by Mrs. Cathy Gregg. Vote 16-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

HB 1193-FN, relative to wage withholding. **OUGHT TO PASS WITH AMENDMENT**.

House Bill 1193 clarifies language of existing laws relative to wage withholding in domestic support cases, and makes it a misdemeanor for an employer to discharge, refuse to employ, or take disciplinary action against an obligor because of withholding procedures. Vote 16-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing section 3 with the following:

3 Wages Redefined. Amend RSA 458-B:1, IX to read as follows:

IX. "Wages" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and specifically includes periodic payments pursuant to pension or retirement programs, *disability plans*, and workers' compensation payments.

Amend the bill by replacing all after section 6 with the following:

7 Amount Increased. Amend RSA 458-B:4, V to read as follows:

V. The amount withheld from unemployment compensation benefits pursuant to RSA 282-A:159, II shall be [10] **20** percent of the obligor's weekly benefit amount or

any benefits payable up to that amount. The obligor may voluntarily increase the withheld amount up to the full amount of his unemployment benefits.

8 Effective Date.

I. Sections 5 and 6 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies the language of existing laws relative to wage withholding in domestic support cases in order to comply with federal regulations and to clarify certain penalties for refusing or failing to comply with the statutes.

Changes to current law include defining disability plan payments as income to the obligor spouse and thus subject to wage withholding, subjecting the wages of an absent parent who has failed to make a payment equal to one month's support to mandatory wage withholding, and making it a misdemeanor for a employer to discharge, refuse to employ, or take disciplinary action against an obligor because of withholding procedures, or for failure to provide proper notice relative to withholding or to forward wages as mandated.

The bill also increases the amount withheld from unemployment compensation benefits for domestic support.

The bill was requested by the division of human services, department of health and human services.

HCR 18, urging a statewide conference on families. **OUGHT TO PASS.**

This Concurrent Resolution establishes a statewide conference on families. This conference to be convened by Governor Gregg to generate a five-year agenda for strengthening and supporting families in New Hampshire. Vote 16-0. Rep. Annette M. Cooke for Children, Youth and Juvenile Justice.

HB 1085-FN, establishing a committee to study methods of protecting the stratospheric ozone layer by eliminating unnecessary emissions of ozone-depleting chemicals. **INEXPEDIENT TO LEGISLATE.**

This subject is being studied by various groups and would be redundant to study again. Vote 15-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 1025, relative to limited liability for volunteers. **OUGHT TO PASS WITH AMENDMENT.**

This bill amends RSA 508:17 by correcting a minor error in the text relating to claims covered under the Volunteer Immunity Law, and by providing a form of written authorization which may be used by volunteer organizations. The existing law requires a "writing," but does not give any form for one, or detail about one. Vote 19-0. Rep. Peter Hoe Burling for Judiciary.

Amendment

Amend the bill by replacing section 1 with the following:

I New Paragraph; Volunteer Liability Limited; Form. Amend RSA 508:17 by inserting after paragraph I the following new paragraph:

I-a. The following form shall be sufficient as a writing required under this section and shall serve as prima facie evidence of the approval required under paragraph I:

Dear :

You are hereby recognized as a volunteer of the (name of organization) which exists for the following purposes (list purposes). Your tenure as a volunteer will continue until your resignation or until your termination by the organization. The purpose of this letter is to comply with the provisions of RSA 508:17, the volunteer immunity law, as that law may be amended from time to time.

Thank you for your service.

Authorized Officer

Officer

HB 1206, relative to claims to dower, curtesy and homestead rights. REFER FOR INTERIM STUDY.

The Committee believes that more study will be required to find the proper solution to the problem of dower, curtesy and homestead rights as clouds on title to real estate. A couple of ideas came forward at the public hearing. Vote 14-1. Rep. Peter Hoe Burling for Judiciary.

HB 1307-FN, changing the penalty for felonious use of firearms. INEXPEDIENT TO LEGISLATE.

The Committee voted inexpedient because elements of this bill were included in HB 700 passed by the House on January 31. Vote 18-0. Rep. C. William Johnson for Judiciary.

HB 1335-FN, relative to mandatory sentencing and plea bargaining in certain child molestation cases. INEXPEDIENT TO LEGISLATE.

Rather than promote tougher sentences for child molestation, the Committee found that this bill would result in fewer perpetrators being sentenced for these crimes. There is no demonstrated need for a mandatory sentence in this area. A ban on plea negotiations could result in offenders going free. Vote 19-0. Rep. Thomas U. Gage for Judiciary.

HB 1384, relative to use of genetic test results as evidence in paternity proceedings. OUGHT TO PASS WITH AMENDMENT.

This bill clarifies the procedure with respect to DNA testing for the purpose of determining paternity. In a dispute, the court may order the test or upon motion of a party shall order such test. The amendment makes this dual process clear. Vote 19-0. Rep. Alf E. Jacobson for Judiciary.

Amendment

Amend RSA 522:1 as inserted by section 1 of the bill by replacing it with the following:

522:1 Authority for Test. In a civil action[,], in which paternity is a relevant fact, the court *may*, upon its own initiative [or upon suggestion made by or on behalf of any person whose blood is involved may, or] *and shall* upon motion of any party [to the action made at a time so as not to delay the proceedings unduly, shall] order the mother, child and alleged father to submit to blood [or], tissue typing *and/or genetic marker* tests which may include, but are not limited to, tests of red cell antigens, red cell isoenzymes, human leukocyte antigens [and], serum proteins *and deoxyribonucleic acid (DNA) analysis*. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require. *If the court determines that a motion for*

testing is made for the purpose of delaying the proceedings, the court may deny the motion. The court may make such orders regarding the payment of costs related to testing as justice may require.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect 60 days after its passage.

HB 1392-FN, relative to reckless conduct and criminal threatening. INEXPEDIENT TO LEGISLATE.

While this Committee continues to search for solutions to curb violent crimes, it does not believe that this bill is the solution. Vote 16-3. Rep. Beverly A. Hollingworth for Judiciary.

HB 1436-FN, relative to felony offenses. INEXPEDIENT TO LEGISLATE.

It was not indicated that there was a problem with plea bargaining. This bill would not reduce the Superior Court caseload. Vote 19-0. Rep. Elizabeth D. Lown for Judiciary.

HB 1041, relative to conflict of interest laws concerning town officials. INEXPEDIENT TO LEGISLATE.

This bill would require municipalities proposing Conflict of Interest Laws to submit such proposals to the voters on a public ballot. The bill is flawed in that it does not provide for a public hearing and would eliminate any opportunity for town meeting discussion of such a proposal. Vote 11-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting. OUGHT TO PASS WITH AMENDMENT.

House Bill 1097 corrects errors in a Pembroke school district posting for an election. The wording on the school ballot was proper, but because of a posting error, legislation is necessary to legalize the election. For Hooksett, it corrects the formula to collect taxes from annually to semi-annually. Vote 14-0. Rep. Gabriel J. Daneault for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett.

Amend the bill by replacing section 2 with the following:

2 Town of Hooksett.

I. Notwithstanding any other provision of law to the contrary, the collection of the town portion only of the semi-annual taxes in the town of Hooksett, exclusive of school and county taxes, shall conform to the following provisions:

(a) Taxes due and payable June 30, 1990, shall be equal to 2/3 of the municipal tax portion paid on the 1989 assessment, divided by 1/2.

(b) The numeric formula for the taxes due and payable shall be as follows:

| | |
|-------------------|---------------------|
| Municipal portion | \$2.01 |
| School portion | \$4.61 |
| County portion | \$.71 |
| Total Due | \$7.33 per thousand |

The provisions of this paragraph shall be effective for the June, 1990 tax period only.

II. Interest at the rate prescribed by RSA 76:13 shall be charged on all taxes except residence taxes not paid on or before either the respective dates on which taxes are due and payable under paragraph I or the thirtieth day after the tax bills are mailed, whichever is later.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill legalizes the proceedings, action, and votes taken on a warrant article at the Pembroke school district meeting of March 14, 1989.

The bill also specifies the way in which the town portion only of the semi-annual taxes which are due and payable on June 30, 1990, in the town of Hooksett are to be collected.

HB 1100, relative to the time for placing zoning amendments on the ballot in towns. **UGHT TO PASS WITH AMENDMENT.**

House Bill 1100, as amended, provides that planning boards shall forward to the town clerk all proposed amendments to a zoning ordinance, historic district ordinance, or building code not later than the fifth Tuesday prior to the date of electing city or town officers instead of the present 28 days. The purpose of this change is to facilitate timely preparation of ballots. In the opinion of the Committee, this change would not adversely affect the timeliness of planning board actions. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the time for submitting proposed zoning ordinance
amendments to the town clerk.

Amend the bill by replacing all after the enacting clause with the following:

1 Time for Submitting Proposed Amendments. Amend RSA 675:2, I to read as follows:

I. In cities or in towns operating under the town council form of government, and in counties in which there are located unincorporated towns or unorganized places, the local legislative body shall determine the manner in which a zoning ordinance, historic district ordinance, or a building code is established and amended; provided, however, that any question concerning the establishment and amendment of a zoning ordinance, historic district ordinance, or a building code may be placed on a ballot separate from the ballot used to elect city or town officers. *The planning board shall forward to the town clerk all proposed amendments to a zoning ordinance, historic district ordinance, or building code not later than the fifth Tuesday prior to the date for electing city or town officers.*

2 Time for Submitting Proposed Amendments. Amend RSA 675:3, V to read as follows:

V. Official copies of the final proposal to adopt or amend the zoning ordinance, historic district ordinance, or building code shall be placed on file and made available to the public at the town or village clerk's office [4 weeks] *not later than the fifth Tuesday* prior to the date when action is to be taken. An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting.

3 Time for Submitting Proposed Amendments. Amend RSA 675:4, III to read as follows:

III. Each petitioned amendment shall be placed on a ballot which may be separate from the ballot used to elect town or village district officers. A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description. Any petitioned question receiving an affirmative vote of a majority of the legal voters present and voting shall be adopted, except as provided in RSA 675:5. *The planning board shall forward to the town or village district clerk all proposed amendments to a zoning ordinance, historic district ordinance, or building code under this section not later than the fifth Tuesday prior to the date for electing town or village district officers.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that proposed amendments to zoning ordinances must be received by the town clerk not later than the fifth Tuesday prior to the date for electing town officers.

HB 1119, relative to subdivision and site plan requests. INEXPEDIENT TO LEGISLATE.

This bill would give planning boards enforcement authority with respect to delinquent taxes, a concept with which the Committee disagrees. Planning Boards should not be tax collectors. An amendment was offered, but it was not germane to the bill. Vote 15-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 1148, relative to town meeting authority to assess capital costs concerning sewers. INEXPEDIENT TO LEGISLATE.

This is an internal problem and the best results would be achieved by the local officials. The Municipal Association, as well as the Board of Selectmen from the town of Gilford, opposes this bill. Vote 12-0. Rep. Gabriel J. Daneault for Municipal and County Government.

HB 1223-FN, to exempt conservation districts from taxation. INEXPEDIENT TO LEGISLATE.

This bill deals with conservation districts owning land. The Committee feels that the present statutes allow local conservation commissions to own land that is free from local taxation and that there is no need for conservation districts to have the same privilege. Conservation districts are not primarily in business to own land. Vote 12-1. Rep. David M. Perry for Municipal and County Government.

HB 1251-FN, relative to certain municipal filing fees and registration of dogs and relative to deputy town clerks. INEXPEDIENT TO LEGISLATE.

The Committee felt that there were too many separate and unrelated issues in this bill for the Committee to evaluate what the total impact might be. The Committee tried to resolve it by amendment, but finally decided that the problem needs to be solved by separate bills. Vote 13-0. Rep. Katherine H. Metzger for Municipal and County Government.

HB 1262, relative to recording of ancient plats. OUGHT TO PASS WITH AMENDMENT.

In this bill, the date that categorizes an ancient plat changes from December 31, 1958 to December 13, 1969 which is the date of licensing of land surveyors. The amendment removes local planning board approval of decisions creating divisions of land by the probate and other courts. Vote 13-1. Rep. Katherine H. Metzger for Municipal and County Government.

Amendment

Amend the bill by replacing section 2 with the following:

2 Preparation of Plat Survey. RSA 676:18, V is repealed and reenacted to read as follows:

V. All decisions of the district, superior, and supreme courts, which affect property boundaries, shall be recorded by the register of deeds in the registry of deeds for the county in which the site is situated, and, upon recordation, such decision shall run with the land. Subsequent to any probate court decision creating divisions of land, a survey plat shall be prepared by a licensed land surveyor, which, if approved by the probate court, shall be recorded, along with the court's decision, at the registry of deeds without local planning board approval. The recording of such decision or plat, however, shall not be deemed to authorize any transfer or development of the property in violation of any applicable local land use regulations adopted pursuant to this title.

AMENDED ANALYSIS

This bill categorizes an ancient plat as a plat that was in existence on December 13, 1969. The bill requires that after a probate court decision divides land, a licensed land surveyor shall prepare a survey plat, which, if approved by the probate court, shall be recorded in the registry of deeds regardless of local planning board approval.

HB 1268-FN, relative to the interest rate charged to delinquent property tax payers. INEXPEDIENT TO LEGISLATE.

The Committee felt that there were real constitutional problems with this bill. The municipalities can now, under present statutes, hold their tax sale on lien procedure anytime they choose following the 30-day requirement. They can move up to the 18 percent interest much sooner than most now do. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

HB 1102-FN, relative to Route 16 in Conway. OUGHT TO PASS WITH AMENDMENT.

House Bill 1102, as amended, provides for reconstruction of Route 16 from Route 112 in Conway to the Conway-Bartlett town line, using funds from the primary highway funding account. The bill provides that the Department of Transportation shall complete this project by September 1, 1995. The traffic situation on Route 16 in Conway is a very complex problem and is affecting traffic and business along the entire Route 16 corridor from Berlin to Portsmouth. Passage of this bill will provide significant relief to the traffic situation in the Conway area. Vote 16-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Route 16 in Conway. Amend 1986, 203:4, I(d) by inserting after subparagraph (5) the following new subparagraph:

(6) Conway - Reconstruction of Route 16 from Route 112 to the Conway-Bartlett town line in the town of Conway.

2 Projects Prioritized.

I. The commissioner of the department of transportation shall give priority to the projects in section 1 of this act, to Route 16 from Route 112 to the Conway-Bartlett town line in the town of Conway, allocating funds which are available in the primary highway funding account.

II. The department shall solicit input from the appropriate local officials and hold public meetings concerning the proposed design of said project.

III. The department of transportation shall complete these projects on or before September 1, 1995.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides for the reconstruction of Route 16 from Route 112 to the Conway-Bartlett town line in the town of Conway.

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex. **OUGHT TO PASS WITH AMENDMENT.**

The state currently pays more than two million dollars in rentals. This bill establishes a committee to look into moving agencies onto state property and reduce these costs. Vote 16-0. Rep. Roland A. Frechette for Public Works.

Amendment

Amend paragraph III as inserted by section 1 of the bill by replacing it with the following:

III. Availability of sufficient state land and buildings, or land or buildings, for future needs.

SB 350-A, relative to an office building design and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

The Committee has adopted SB 323 to study the construction and need for a new state office building before committing funds for that purpose. There are possibilities of using existing buildings and land that need to be considered before concluding that construction is necessary. Vote 16-0. Rep. James D. Phelps for Public Works.

SJR 1, naming the Kenneth M. Tarr Health Care Facilities. **OUGHT TO PASS.**

Kenneth M. Tarr has made an enormous contribution to New Hampshire veterans, not only as Commandant of the New Hampshire Veterans' Home for 20 years, but has also served his community, state, nation, and fellow veterans well above and beyond the call of duty. The split vote represents an honest difference of opinion about naming any public buildings after living individuals. Vote 12-3. Rep. Thomas Salatiello for Public Works.

HB 1258-FN, establishing a New Hampshire clean lakes program. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1258 expands the provisions of current law relative to the control of exotic aquatic weeds (milfoil and fanwort) to include lake restoration and preservation of the water quality in threatened lakes and ponds. The expanded program is designed to complement the program authorized by the federal Water Quality Act of 1987 and

will help to ensure that the recreational and aesthetic values of our lakes are sustained. Local applicants for assistance will benefit from changes in the formula for matching local/state/federal funds. Exotic aquatic weed control will continue to receive priority. No new appropriation is required. Vote 16-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the introductory paragraph of RSA 487:17, I as inserted by section 2 of the bill by replacing it with the following:

I. A program for the preservation and restoration of New Hampshire lakes and ponds eligible under RSA 487:20 shall be established and administered within the department of environmental services, division of water supply and pollution control. Said program shall function to limit the eutrophication process in New Hampshire lakes by reducing nuisance growths of macrophyton and phytoplankton. It shall reinforce and complement the program authorized by the federal program and shall serve 3 basic purposes:

Amend RSA 487:18 as inserted by section 2 of the bill by replacing it with the following:

487:18 Project Prioritization. Project approval shall be based upon prioritization factors to be established by rules adopted under RSA 541-A. Such rules shall give first priority for expenditure of available funds to the eradication of new infestations of exotic aquatic weeds pursuant to RSA 487:17, II(b) and second priority to all reasonable measures to control exotic aquatic weeds. Otherwise, preference shall be given to lakes that have public access or that serve as a public drinking water supply. Implementation measures shall be based upon an assessment of potential success, technical feasibility, practicability, and cost effectiveness. Restoration and preservation projects shall include watershed management plans to control and reduce incoming nutrients wherever possible through best management practices. Repeated short-term solutions shall be discouraged where long-term solutions are feasible and cost-effective. Treatments shall be designed to minimize any adverse effect upon fish and wildlife, their habitats, and the environment.

Amend RSA 487:20 as inserted by section 3 of the bill by replacing it with the following:

487:20 Eligibility. To be eligible for funding under this subdivision, a body of water shall be any freshwater lake or pond which meets priorities established under RSA 487:18. Lakefront associations, private businesses, citizens and local government agencies shall be eligible to apply for funding under this subdivision.

HB 1324-FN, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin. **OUGHT TO PASS WITH AMENDMENT.**

The Committee feels that this bill is essential to the eventual cleanup of the Piscataqua River Basin. The amendment is to coordinate with a similar bill that has already been passed in the State of Maine. Vote 15-0. Rep. Stephen G. Avery for Resources, Recreation and Development.

Amendment

Amend the bill by replacing section 3 with the following:

3 Committee Membership.

I. The study committee shall be composed of the following:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

(c) The commissioner of the department of environmental services, or designee.

(d) The executive director of the department of fish and game, or designee.

(e) Two members appointed by the governor, one member representing the commercial fishing industry and one member who is a municipal official from the seacoast area.

II. The committee shall choose a chairman from among its members at the initial meeting of the committee.

Amend the bill by replacing all after section 4 with the following:

5 Convening and Committee Report. The study committee shall convene on May 1, 1990, and shall report its recommendations, including any proposals for legislative action, to the speaker of the house, the president of the senate and the governor not later than November 1, 1990.

6 Effective Date. This act shall take effect upon its passage.

HB 1432-FN, relative to the New Hampshire rivers management and protection program. **OUGHT TO PASS WITH AMENDMENT.**

Protection of New Hampshire's most valuable rivers takes a giant step forward with this long-awaited legislation. Developed by the state's Rivers Advisory Committee, it is supported by utilities, the agricultural community, conservationists, hydro interests, the Business and Industry Association and recreational users.

Under HB 1432, rivers and river segments are nominated for protection under one of three different classifications (natural, rural or community) by grassroots community groups. All protection measures must comply with local zoning ordinances and are designed to maintain the integrity of rivers and river corridors. The amendment addresses concerns raised at the public hearing and proposes protection for segments of Lamprey, Merrimack, Saco and Swift Rivers. Interim protection is granted to the Contoocook, Pemigewasset and segments of the Connecticut River. Vote 15-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Program Established. Amend RSA 483:2 to read as follows:

483:2 Program Established; Intent. There is established within the department of environmental services the New Hampshire rivers management and protection program. It is the intent of the legislature that the New Hampshire rivers management and protection program shall complement and reinforce existing state and federal water quality laws, and that in-stream flows are maintained along protected rivers, or segments thereof, in a manner that will enhance or not diminish the enjoyment of outstanding river characteristics pursuant to RSA 483:1. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of such rivers shall be restored and maintained[, and], that riparian interests shall be respected[.], *and that nothing in this chapter shall be interpreted to preempt any existing land and zoning authority of municipal bodies.*

2 Rivers Protection; Definitions. RSA 483:4 is repealed and reenacted to read as follows:

483:4 Definitions. In this chapter:

I. "Advisory committee" means the rivers management advisory committee established in RSA 483:8.

II. "Agriculture" means agriculture as defined in RSA 21:34-a.

III. "Breachd dam" means any dam which impounds water at less than 80 percent of its original design level at seasonal high flows and for which the original configuration of the dam can still be determined.

IV. "Channel alteration" means any human activity which changes the character of a river or stream channel including, but not limited to, filling, dredging, relocating, excavating, cleaning, deepening, widening, straightening or riprapping.

V. "Commissioner" means the commissioner, department of environmental services.

VI. "Dam" means any artificial barrier, including appurtenant works, across a river which impounds or diverts water.

VII. "Department" means the department of environmental services.

VIII. "Existing dam" means any dam which has not deteriorated or been breachd or modified to the point where it no longer impounds water at 80 percent or more of its original design level at seasonal high flows.

IX. "Free-flowing", as applied to any river or river segment, means existing or flowing in a natural condition without artificial impoundment, diversion, channel alterations, or other modifications and without consideration of upstream flow management.

X. "Instream public uses" means those uses which comprise the state's public trust interests in surface waters including, but not limited to: navigation; recreation; fishing, storage, conservation, maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; and aesthetic beauty.

XI. "Interbasin transfer" means any transfer of water for use from one river drainage basin to another.

XII. "New dam" means any dam which requires the construction or enlargement of any impoundment or diversion structure.

XIII. "New hydroelectric power facilities" means the construction, operation, or installation of electric generating units at dams where no hydroelectric power generation has occurred for a period of 6 years or more.

XIV. "Office" means the office of planning, department of environmental services.

XIV. "Protected instream flow" means a constant minimum stream flow level established to maintain water for present and future instream public uses.

XVI. "River" means a flowing body of water or a segment or tributary of such water body.

XVII. "River corridor" means the river and the land area located within a distance of 1320 feet of the normal high water mark or to the landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger.

XVIII. "River drainage basin" means the Androscoggin, Coastal, Connecticut, Merrimack, Piscataqua, and Saco river basins as delineated on a map compiled by the department.

3 State-Federal Coordination. Amend RSA 483:5 to read as follows:

483:5 Coordination with Federal Statutes. For the purposes of [the Electric Consumer Protection Act amendment to] *section 10(a)(2)(A) of the Federal Power Act*, [protected] *those* rivers or segments [of such rivers] designated under this chapter *and any state or local management plans developed pursuant to this chapter* shall constitute one element of the state comprehensive plan for river conservation and development. [Protected] *Designated* rivers or segments [of such rivers so designated] shall constitute protected waterways [with respect to] *under* the provisions of the Public Utilities Regulatory Policies Act, section 210(j)(2), 16 U.S.C. Section 824a-3(j)(2). [Water quality shall not be degraded from existing water quality standards established under RSA 485-A.]

4 Protected Rivers; Legislative Designation. Amend RSA 483:7 to read as follows:

483:7 Legislative Designation.

I. Any nomination approved by the commissioner shall require review and approval by the general court prior to inclusion in the program. Such action shall be filed as a bill in the next legislative session following the nomination.

II. *Any nomination which is forwarded to the general court for review and approval shall include:*

(a) *A map showing the boundaries of the river or segment;*

(b) *A report which specifies the values and characteristics which qualify the river or segment for designation; and*

(c) *The classifications of the proposed designation pursuant to RSA 483:7-a.*

5 New Section; Protected Rivers; Classification. Amend RSA 483 by inserting after section 7 the following new section:

483:7-a River Classification Criteria; Management.

I. Those rivers or segments designated for inclusion in the program shall be classified as one or more of the following:

(a) Natural rivers are free-flowing rivers or segments characterized by the high quality of natural and scenic resources. River shorelines are in primarily natural vegetation and river corridors are generally undeveloped. Development, if any, is limited to forest management and scattered housing. For natural rivers, the following criteria and management objectives shall apply:

(1) The minimum length of any segment shall be 5 miles.

(2) Existing water quality shall be not lower than Class B level pursuant to the water quality standards established under RSA 485-A:8.

(3) The minimum distance from the river shoreline to a paved road open to the public for motor vehicle use shall be 250 feet, except where a vegetative or other natural barrier exists which effectively screens the sight and sound of motor vehicles for a majority of the length of the river or segment.

(4) Management of natural rivers and segments shall perpetuate their natural condition as defined in this chapter and shall consider, protect, and ensure the rights of riparian owners to use the river for forest management, agricultural, water supply, and other purposes which are compatible with instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

(b) Rural rivers are those rivers or segments adjacent to lands which are partially or predominantly used for agriculture, forest management and dispersed or clustered residential development. Some instream structures may exist, including low

dams, diversion works and other minor modifications. The following criteria and management objectives shall apply to rural rivers:

(1) The minimum length of any segment shall be 3 miles.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8 or have the potential for restoration to that level.

(3) There shall be no minimum distance from the shoreline to an existing road. Roads may parallel the river shoreline with regular bridge crossings and public access sites.

(4) Management of rural rivers and segments shall maintain and enhance the natural, scenic, and recreational values of the river and shall consider, protect and ensure the rights of riparian owners to use the river for agricultural, forest management, public water supply, and other purposes which are compatible with the in-stream public uses of the river and the management and protection of the resources for which the river or segment is designated.

(c) Community rivers are those rivers or segments which flow through populated areas of the state and which possess actual or potential resource values. Such rivers have some residential or other building developments near their shorelines, are readily accessible by road or railroad, and may include some impoundments or diversions. The following criteria and management objectives shall apply to community rivers:

(1) The minimum length of any segment shall be one mile.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8, or have the potential for restoration to that level.

(3) Management of community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for agricultural, forest management, public water supply, residential, recreational, commercial, and industrial purposes which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

II. The existence of limited exceptions to the criteria for a certain classification under this section shall not necessarily exclude a river or segment from that classification. The river or segment shall be examined as a whole, and the classification of such river or segment shall be based on the overall values and characteristics of such river or segment.

6 New Section; Local River Management Advisory Committees; Establishment; Duties. Amend RSA 483 by inserting after section 8 the following new section:

483:8-a Local River Management Advisory Committees; Establishment; Duties.

I. The commissioner shall appoint a local river management advisory committee for each designated river or segment. Committee members shall be chosen from lists of nominees submitted by the local governing bodies of the municipalities through which the designated river or segment flows. If a committee or commission which meets the requirements of RSA 483:8-a, II exists at the time a river or segment is designated, the commissioner may appoint the existing committee or commission to carry out the duties of a local river management advisory committee for a designated river or segment. All members of such committees shall be New Hampshire residents.

II. Each committee shall be composed of at least 7 members who represent a broad range of interests in the vicinity of the designated river or segment. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. Each member shall serve a term of 3 years.

III. The duties of such committees shall be:

(a) To advise the commissioner and the advisory committee on matters pertaining to the management of the river or segment.

(b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.

(c) To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10.

(d) To report annually to the advisory committee and the commissioner on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment and corridor.

7 Committee Membership; Residency Requirement. Amend the introductory paragraph of RSA 483:8 to read as follows:

There is established a rivers management advisory committee appointed by the governor and council. At least 3 committee members shall represent the North Country *and all members shall be New Hampshire residents.*

8 New Paragraph; Committee Duties. Amend RSA 483:8 by inserting after paragraph V the following new paragraph:

VI. No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development except upon the review and recommendation of the advisory committee established under this section.

9 New Paragraph; Disposal of River Property. Amend RSA 4:40 by inserting after paragraph IV the following new paragraph:

V. No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development except upon the review and recommendation of the advisory committee established in RSA 483:8.

10 Protection Measures; Designated Rivers and Segments. RSA 483:9 is repealed and reenacted to read as follows:

483:9 Natural Rivers Protection. The following protection measures shall apply to a river or segment designated as a natural river:

I. No dam or other structure or improvement that impedes or significantly alters the free-flowing condition or natural character of the river or segment shall be permitted, certified, constructed, or operated in such river or segment.

II. No interbasin transfers of water from a designated natural river or segment shall be permitted.

III. No channel alteration activities shall be permitted, except that the commissioner may approve temporary channel alterations in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated.

IV. A protected instream flow level shall be established by the commissioner for each designated natural river or segment and any upstream impoundment or diversion

facility which may affect the free-flowing condition or natural character of the designated river or segment pursuant to RSA 483:9-c.

V. Water quality shall be maintained at, or restored to the Class A level, or maintained at the Class B level. Each designated natural river or segment shall constitute an outstanding natural resource water pursuant to the standards adopted under RSA 485-A:8. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, or RSA 485-A:17.

VI. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment;

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal highwater mark of a designated natural river or segment;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated natural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated natural river or segment.

VII. No new hazardous waste facilities as defined in RSA 147-A:2 which store hazardous waste for more than 90 days, shall be permitted within the corridor of a designated natural river or segment.

VIII. No motorized watercraft shall be permitted to operate on a designated natural river or segment, except for emergency purposes.

11 New Sections; River Protections. Amend RSA 483 by inserting after section 9 the following new sections:

483:9-a Rural River Protection. The following protection measures shall apply to a river or segment designated as a rural river:

I. No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if such dam is repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.

II. Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated rural river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. The commissioner may approve temporary channel alterations in conjunction with the construction, repair, or maintenance of a project in the river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural rivers.

V. A protected instream flow level shall be established by the commissioner for each designated rural river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics or natural character of the designated river or segment pursuant to RSA 483:9-c

VI. Water quality shall be restored to or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17, or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within the corridor of a designated rural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal highwater mark of a designated rural river or segment;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated rural river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

483:9-b Community Rivers Protection. The following protection measures shall apply to rivers or segments designated as a community river:

I. No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.

II. Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing or breached dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing or breached dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated community river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or adversely affect the resources for which the river or segment is designated. The commissioner may approve temporary channel alterations in conjunction with the construction, repair or maintenance of a project in the river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated community rivers.

V. A protected instream flow level shall be established by the commissioner for each designated community river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics of such river or segment pursuant to RSA 483-A:9-c.

VI. Water quality shall be restored or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:4, XVI, RSA 485-A:17 or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated community river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated community river or segment and any new solid waste landfill located within the corridor of a designated community river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal highwater mark of a designated community river or segment;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated community river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated community river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated community river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

483:9-c Establishment of Protected Instream Flows.

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river or segment. Each protected instream flow shall be established and enforced to maintain water for instream public uses and to protect the resources for which the river or segment is designated. Instream public uses shall include the state's public trust interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; and aesthetic beauty. The enforcement of a protected instream flow shall not violate federal law.

II. At least one public hearing shall be held in a community along the designated river or segment to receive public comment on the establishment of a proposed protected instream flow.

III. The procedure adopted under this section shall include an assessment of the effect of a protected instream flow upon existing hydroelectric power generation, water supply, flood control, and other riparian users. For any portion of a designated river or segment where a protected instream flow would affect the operation of an existing hydroelectric power facility within or upstream from the designated river or segment, the commissioner shall request the assistance of the public utilities commission in order to assess the effect of a protected instream flow upon such facility.

IV. The protected instream flow levels established under this section shall be maintained at all times, except when inflow is less than the protected instream flow level as a result of natural causes or when the commissioner determines that a public water supply emergency exists which affects public health and safety.

V. The maintenance of protected instream flows shall constitute a condition of any permit issued by the department for any project or activity within a designated river or segment and corridor.

VI. Any party who is aggrieved by a determination establishing such protected instream flows may petition the commissioner for a hearing to review such determination within 30 days of the date the determination is issued. The filing of such petition shall stay the implementation of the determination until a final decision has been rendered on the petition or an appeal taken pursuant to RSA 541.

12 New Sections; Long Range River Management Plans. Amend RSA 483 by inserting after section 10 the following new sections:

483:10-a Long Range River Management Plans. The department shall prepare and adopt a long range comprehensive plan for each designated river or segment which shall address the management and protection of instream values and state lands within the corridor. State land within the designated river corridor shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall be consistent with the plan. In developing this plan, the department shall cooperate with the department of resources and economic development, the department of fish and game, the office of state planning, and the local rivers management advisory committee.

483:10-b Withholding of Section 401 Certification. The general court finds that the development of any dam or channel alteration activities within a natural river or segment or the development of any new dam within a rural or community river or segment, except as provided in RSA 483:9-a, II and RSA 483:9-b, II, will alter the physical and chemical characteristics of that river and will constitute violation of the water quality standards established under RSA 485-A:8. The commissioner shall deny certification of any federally licensed or permitted activity on such designated rivers or segments under Section 401 of the Federal Water Pollution Control Act, P.L. 92-500, as amended.

13 New Paragraph; Rulemaking. Amend RSA 483:11 by inserting after paragraph III the following new paragraph:

IV. Development of standards, criteria, and procedures for establishment and enforcement of protected instream flow levels for designated rivers and segments under RSA 483:9-c.

14 New Section; State Action; Notification to Rivers Coordinator. Amend RSA 483 by inserting after section 12 the following new section:

483:12-a State Action; Notification of Rivers Coordinator. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator prior to taking any such action. Such agency shall forward to the rivers coordinator for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-A, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, RSA 149-M, or RSA 147-A.

15 New Section; Rivers Designated for Protection. Amend RSA 483 by inserting after section 13 the following new section:

483:14 Rivers Designated for Protection. The following rivers and river segments are designated as protected:

I. Lamprey River - mainstem from the Epping-Lee town line to the Durham-Newmarket town line as a "rural river." Notwithstanding any other provisions of this chapter, the division of water resources shall not approve the use of flashboards under RSA 482:29 to increase the height of any existing dam within this segment of the Lamprey River.

II. Merrimack River - mainstem from the Bedford-Merrimack town line to the New Hampshire-Massachusetts state line as a "community river."

III. Saco River - mainstem from the base of Saco Lake dam to the Harts Location-Bartlett town line as a "natural river" and from the Harts Location-Bartlett town line to the New Hampshire-Maine state line as a "rural river." Nothing in this chapter shall prohibit the normal repair or maintenance of the Willey House dam in Crawford Notch State Park.

IV. Swift River - mainstem from its headwaters to the Albany-Conway town line as a "natural river" and from the Albany-Conway town line to its confluence with the Saco River in Conway as a "rural river."

16 Report Required. The rivers management advisory committee established in RSA 483:8, in consultation with the department of environmental services, shall report to the speaker of the house of representatives and the president of the senate on or before January 1, 1993, on the water quality status of the segment of the Merrimack River designated as protected under RSA 483:14, II.

17 Interim Protection Extension. Amend 1988, 273:2 to read as follows:

273:2 Interim Protection Measures. Notwithstanding the provisions of RSA [227-F] 483, but for the purposes of RSA [227-F:5] 483:5, no new dams shall be permitted, between [the effective date of this section] *June 29, 1988*, and July 1, [1990] *1991*, on the mainstems of the following rivers:

I. Pemigewassett River

[II. Saco River]

[III. Swift River]

[IV.] *II.* Contoocook River

[V. Merrimack River]

[VI.] *III.* Connecticut River, excepting that segment north of the confluence of the Israel River in the town of Lancaster.

18 Classification. Amend the introductory paragraph of 1967, 311:1 to read as follows:

311:1 Classification. On and after the effective date of this act the following surface waters shall be classified in accordance with provisions of RSA [149] 485-A.

19 Reclassification. Amend 1967, 311:1, LII to read as follows:

LII. Merrimack River from its confluence with the Nashua River in Nashua to the New Hampshire-Massachusetts stateline in the city of Nashua and town of Hudson, Class [C] *B*.

20 Connecticut River Valley Resource Commission. Amend RSA 227-E:7 to read as follows:

227-E:7 Private Donations. In addition to the authority granted in RSA 227-E:6, the commission may solicit and accept private donations for the purpose of this chapter. *Any funds received pursuant to this section shall be nonlapsing.*

21 Effective Date.

I. Section 17 of this act shall take effect July 1, 1990.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes management and protection measures for certain designated rivers in the state. The bill develops a process for designating certain rivers for different levels of protection and defines the criteria to be used for such designation. The bill establishes measures to protect the instream flow of certain rivers and creates local river management advisory committees. The bill requires the department of environmental services to develop long range management plans for certain designated rivers.

This bill designates the following rivers or segments thereof as protected rivers: Lamprey River, Merrimack River, Saco River and the Swift River.

The bill reclassifies a segment of the Merrimack River.

The bill also adds an appeal process for any party who is aggrieved by a determination of protected instream flows.

HB 1111, allowing certain capital improvements for energy conservation to be included in the rates of a utility. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1111 allows capital improvements for conservation purposes to be included in the rates of water and electric utilities. This bill encourages energy conservation and should result in water and electric power being available at the lowest reasonable cost. Vote 10-0. Rep. Charles C. Vogler for Science, Technology and Energy.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

allowing certain capital improvements for energy and water conservation
to be included in the rates of a utility.

Amend the bill by replacing sections 1 and 2 with the following:

1 Declaration of Purpose. The general court recognizes that state energy and water conservation is a concern of public regulatory authorities, state agencies, utility companies, and private businesses. The purpose of this bill is to encourage energy and water conservation at one stage in the regulatory process by a statutory policy that energy and water conservation shall be part of public utility ratemaking policy. The general court further recognizes that this is only one of several approaches to energy and water conservation.

2 New Section; Capital Investments for Energy and Water Conservation. Amend RSA 378 by inserting after section 30-a the following new section:

378:30-b Conservation Investments; Included in Rates. The commission may include the cost of capital improvements in the rates of a utility when the capital improvement is used by the utility to directly conserve the energy or water provided by the utility, regardless of whether the utility's capital improvement is in or on the utility's premises or at the location of the user of the energy or of the water.

AMENDED ANALYSIS

This bill allows capital improvements by public utilities for energy and water conservation purposes to be included in the rates of a utility.

HB 1344, relative to least cost planning by electric utilities. **OUGHT TO PASS WITH AMENDMENT.**

This bill creates a statute which is consistent with the State Public Utilities Commission's current practice of requiring electric utilities to file least cost energy plans at least biennially. Proposals for construction of new facilities will be reviewed for consistency with the least cost energy plans. This bill is supported by the full spectrum of energy advocates, including consumer groups, the Public Utilities Commission and the utilities. Vote 10-0. Rep. Susan S. Spear for Science, Technology and Energy.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Least Cost Planning Required. Amend RSA 378 by inserting after section 36 the following new subdivision:

Least Cost Energy Planning

378:37 New Hampshire Energy Policy. The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for reliability and diversity of energy sources and protecting the safety and health of the citizens, the physical environment of the state, and the future supplies of nonrenewable resources.

378:38 Submission of Plans to the Commission. Pursuant to the policy established under RSA 378:37, each electric utility shall file a least cost integrated resource plan with the commission at least biennially. Each such plan shall include, but not be limited to, the following:

- I. A forecast of future electrical demand for the utility's service area.
- II. An assessment of demand-side energy management programs, including conservation, efficiency improvement, and load management programs.
- III. An assessment of supply options.
- IV. An assessment of transmission requirements.
- V. Provision for diversity of supply sources.
- VI. Integration of demand-side and supply-side options.

378:39 Commission Evaluation of Plans. The commission shall review proposals for integrated least-cost resource plans in order to evaluate the adequacy of each utility's planning process. In deciding whether or not the utility's planning process is adequate the commission may consider potential environmental and health-related impacts of each proposed option. The commission is encouraged to consult with appropriate state and federal agencies and other organizations in evaluating such impacts. Where the commission determines the options have equivalent financial costs, equivalent reliability, and equivalent environmental and health-related impacts, the following order of priorities shall guide the commission's evaluation:

- I. Demand - side management;
- II. Renewable energy sources;
- III. All other energy sources.

2 Power Plant Siting Plans; Least Cost Planning Considered. Amend RSA 162-F:4 to read as follows:

162-F:4 Plans.

I. Each utility shall prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the public utilities commission within 90 days after enactment hereof provided that such guidelines shall be approved by the site evaluation committee which may make such modifications as it may deem necessary within the purposes of this chapter. These plans may be part of a regional plan and shall:

[I.](a) Describe the general location, size and type of all bulk power supply facilities to be owned or operated by such utility and whose construction is projected to commence during the ensuing 10 years or during such longer period, but not to exceed a total of 15 years, as the commission may determine to be necessary, together with an identification of all existing facilities to be removed from utility service through such period or upon completion of construction of such bulk power supply facilities.

[II. Identify the location of tentative sites for the construction of future power plants as defined in RSA 162-F:2, I, including an inventory of sites for all plants on which construction may be commenced in the succeeding 5 years, and the general location of the routes of transmission lines as defined in RSA 162-F:2, I and indicate the relationship of the planned sites, routes, and facilities thereon to the environment.

II-a.](b) Identify the location of tentative sites for the construction of future power plants as defined in RSA 162-F:2, I, including an inventory of sites for all plants on which construction may be commenced in the succeeding 5 years, and the general location of the routes of transmission lines as defined in RSA 162-F:2, I and indicate the relationship of the planned sites, routes, and facilities thereon to the environment and describe generally how potential adverse effects will be lessened. Such sites shall be indicated in relation to the location of existing plants and tentative sites planned or announced by utilities within a 200 mile radius of the site.

[III.](c) Reflect and describe such utility's efforts to involve environmental protection and land-use planning agencies in their planning process so as to identify environmental problems at the earliest possible stage in the planning process.

[IV.](d) Supply such additional information as the site evaluation committee, upon the advice of interested state and federal agencies, may from time to time prescribe to carry out the purposes of this chapter.

(e) Document the role of proposed facility construction and closings within the utility's current integrated least cost resource plan.

[V.]II. Each utility shall have initial public notice of its plans referred to in [paragraph I] *subparagraph 1(a)* by filing annually a copy of such plans, together with its projections of demand for electricity that the facilities would meet, with the public utilities commission and with such other affected state and local governmental authorities and citizens' environmental protection and resource planning groups requesting such plans.

3 Site Evaluation Findings; Consideration of Need. RSA 162-F:8, II(a) is repealed and reenacted to read as follows:

(a) Is required to meet the present and future need for electricity. A finding that the construction of the facility is required to meet the present and future need for electricity may be based upon a determination of need for capacity to generate electricity, need for a greater supply of energy, or need for more economic, reliable, or otherwise improved sources of either capacity or energy. The commission shall consider economic factors and current integrated least cost resource plans filed with the commission pursuant to RSA 378:38 when considering whether or not the facility will meet the present and future needs for electricity.

4 New Subparagraph; Energy Facility Evaluation; State Energy Policy. Amend RSA 162-H:9, I by inserting after subparagraph (b) the following new subparagraph:

(c) operation of the proposed facility is consistent with the state energy policy established in RSA 378:37.

5 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires electric utilities in the state to file biennial least cost resource plans with the public utilities commission. The bill directs the public utilities commission to review such plans in order to evaluate the adequacy of each utility's planning process, taking into account potential health and safety impacts of various least cost options. The bill sets priorities for various factors for the commission to utilize in the commission's evaluation.

HB 1364, relative to energy conservation standards in new building construction. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1364 clarifies (1) the rulemaking authority of the Public Utilities Commission relative to the New Hampshire Code for Energy Conservation in New Building Construction, and (2) several definitions relative to the Code. Vote 10-0. Rep. Amanda A. Merrill for Science, Technology and Energy.

Amendment

Amend the bill by replacing section 2 with the following:

2 Definitions. RSA 155-D:2 is repealed and reenacted to read as follows:

155-D:2 Definitions. In this chapter:

I. "Alter" means any change or reconstruction of an existing building the cost of which exceeds 50 percent of the value of the building immediately prior to the alteration.

II. "Code for Energy Conservation in New Building Construction" or "code" means the most recent edition of the document "New Hampshire Code for Energy Conservation in New Building Construction" and all subsequent amendments.

III. "Public buildings" means any building space where the general public is allowed entry as a normal part of the operation and use of the building.

IV. "Standards" means design specifications relevant to new building construction as established in the code.

Amend the bill by replacing section 4 with the following:

4 Construction Standards; New Code References; Exceptions Removed. Amend RSA 155-D:3 to read as follows:

155-D:3 Construction Standards.

I. All new buildings and structures or portions thereof and additions to existing buildings that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, and residential occupancy, as well as those portions of factories and industrial occupancies designed primarily for human occupancy, shall conform to standards not less than those established by the ["Model Code for Energy Conservation in New Building Construction"] *code* and amendments *to the code* thereto; provided, however, the following exceptions shall be permitted:

(a) Double glazing instead of the triple glazing requirement.

(b) The ceiling insulation requirement of an R-30 factor instead of R-38 for both cathedral and flat ceilings.

(c) The ductwork insulation requirement of an R-3 factor instead of an R-8 factor.

II. The construction standards established by the ["Model Code for Energy Conservation in New Building Construction"] *code* shall apply to all residential buildings as defined in section 502.2 of the [New Hampshire Supplement to the Code for Energy Conservation in New Building Construction] *code*. The distinction between Type A-1 and Type A-2 residential buildings established by section 502.2 of the [Code] *code* is hereby abolished.

Amend the bill by replacing section 10 with the following:

10 Reference to Code for Energy Conservation in New Building Construction. Amend RSA 155-D:6, I-a and I-b to read as follows:

I-a. In cities and towns which have adopted a building code, a building inspector or other designated official shall not issue either a temporary or permanent occupancy permit unless a certificate of compliance form for the [New Hampshire thermal energy] code has been signed by [the insulation contractor or] the builder. The compliance form shall be an integral part of the occupancy permit. A copy of this occupancy permit / certificate of compliance form shall be filed with the building inspector.

I-b. Any city or town which has not adopted a building code shall require builders or contractors to complete a certificate of compliance form for the [New Hampshire thermal energy] code, which shall be an integral part of the building application approved by the public utilities commission. This form shall be filed with the governing body of the city or town.

11 Effective Date. This act shall take effect 60 days after its passage.

Amend the bill by deleting section 3, and renumbering sections 4-11 to read as 3-10, respectively.

AMENDED ANALYSIS

This bill updates the energy conservation code used to assess energy conservation measures in new building construction. The bill also changes and repeals several definitions relative to code standards, exempts historic buildings from code requirements, and changes the requirements for issuing occupancy permits in cities and towns which have adopted a building code.

HB 1137, relative to condominium law. OUGHT TO PASS WITH AMENDMENT.

This bill allows notice of meetings of condominium unit owners associations to be made by certified mail rather than by return receipt requested. This will save associations money, but still insure that proper notice is mailed to unit owners. Vote 14-0. Rep. William H. McCann for State Institutions and Housing.

Amendment

Amend the bill by deleting sections 1 and 3 and renumbering sections 2 and 4 to read as 1 and 2, respectively.

AMENDED ANALYSIS

This bill allows notice of meetings of unit owners of condominium associations to be made by certified mail rather than by return receipt requested.

HB 1177-FN, to create the New Hampshire county correctional industries authority. REFER FOR INTERIM STUDY.

The Committee agrees with the basic idea of prisoners participating in a work program especially when victims assistance funds, etc. would receive part of that prisoner's income. However, the bill, as it is written needs clarification. Vote 16-0. Rep. William B. Rose for State Institutions and Housing.

REGULAR CALENDAR

HB 1429, relative to excavation, quarrying, and mining. OUGHT TO PASS WITH AMENDMENT.

House Bill 1429 clears up the ambiguous language in RSA 155-E. To everyone's satisfaction, reclamation and other environmental needs have been addressed in this bill. House Bill 1338 was included in this amended version. Vote 16-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing section 1 with the following:

1 Regulation of Excavation of Sand, Gravel, and Construction Aggregate; Phase Deleted in Purpose. Amend 1989, 363:1 to read as follows:

363:1 Purpose. *The purpose of this act is to grant municipalities the authority to cope with the recognized safety hazards which open excavations create; to safeguard the public health and welfare; to preserve our natural assets of soil, water, forests and wildlife; to maintain aesthetic features of our environment; to prevent land and water pollution; and to promote soil stabilization.* The general court finds that availability of construction material affects the cost of roads and other governmental infrastructure. [Whenever the supply shrinks, prices increase.] Although New

Hampshire has an abundance of sand, gravel, and deposits suitable for production of construction aggregate, their availability is being curtailed by development[, over-regulation, or both]. [Making up for this dwindling supply raises] The cost of production and transportation[. This in turn raises] *affects* the cost of roads and other public infrastructure. Additionally, it is clear that the existing local regulatory scheme needs clarification. Useful material is available only where it has been *formed or deposited*[, and if it must be transported long distances,]. The cost of construction increases *when the material has to be transported long distances*. Thus, existing sources of supply must be identified and utilized, without undue disruption of local land use plans and patterns, without creating simultaneous state and local regulations of the same activity, and without allowing some excavations, such as stationary manufacturing plant sites and sites covered by voluntary pit agreements, to continue to be completely unregulated. It is found that except where state regulations apply or where sites are exempt or excepted by RSA 155-E, comprehensive and extensive local regulation of excavation of rock, sand, and gravel for the production of construction materials is in the best interest of the citizens and taxpayers of New Hampshire. It is also found that such regulation and its implementation should give weight both to state and local needs for nearby available material and to the land use plans and patterns of the municipalities in which these deposits are situated.

Amend the bill by replacing sections 3-6 with the following:

3 Local Excavation Regulatory Authority. Amend RSA 155-E:2, I(b) to read as follows:

(b) Such an excavation site may not be expanded, without a permit under this chapter, beyond the limits of the town in which it is situated and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site of that date, and has been appraised and inventoried for property tax purposes as part of the same tract as the excavation site as of that date, as modified by the limitations of RSA 155-E:4-a, I and II. In this paragraph the term "contiguous" means land whose [parameter] *perimeter* can be circumscribed without interruption in common ownership except for roads or other easements, in a single town. It is further provided that when such excavation is not allowed by local zoning or similar ordinances in effect on [the effective date of this section] *August 4, 1989*, regulating the location of the excavation site, *or when such excavation is regulated by exception*, expansion may be restricted or modified with conditions by order of the [planning board] *regulator* if after notice to the owner and a hearing, the [board] *regulator* finds that such expansion will have a substantially different and adverse impact on the neighborhood.

4 Abandoned Excavations; Amount of Material Removed. Amend RSA 155-E:2, II(a)(1) to read as follows:

(1) No earth material *of sufficient weight or volume to be commercially useful* has been removed from that excavation site during any [3] 2-year period, either before or after [the effective date of this section] *August 4, 1989*; provided, however, that before the end of such [3] 2-year period, the owner or operator may extend the period by submitting to the regulator a *reclamation timetable* [for reclamation] *to be approved by the regulator*, and posting a bond or other security with the municipal treasurer in a form and amount prescribed by the regulator, sufficient to secure the reclamation of the entire *excavation* site in accordance with the standards of RSA 155-E:5; or

5 Abandoned Excavations; Approved Timetable for Reclamation. RSA 155-E:2, II(a)(2) is repealed and reenacted to read as follows:

(2) On and after August 4, 1991, the excavation is in use, but does not conform with the incremental reclamation requirements of RSA 155-E:5-a, or the owner or operator has not posted a bond or other security and submitted [an approved] *a reclamation timetable* [for reclamation] *to be approved by the regulator* as described in subparagraph (a)(1); or

6 Currency of Excavation Site; Timetable Approved. Amend RSA 155-E:2, II(b) to read as follows:

(b) In addition to the enforcement remedies of RSA 155-E:10, the regulator may order the owner of any land upon which an abandoned excavation is located to either file a reclamation timetable, *to be approved by the regulator*, and bond or other security as described in subparagraph [I(a)] *II(a)(1)*, or to complete reclamation in accordance with this chapter within a stated reasonable time. Such an order shall only be made following a hearing for which notice has been given in accordance with RSA 155-E:7, if the regulator finds that the public health, safety, or welfare requires such reclamation. If the owner fails to complete reclamation within the time prescribed in the order, the regulator may request the governing body to cause reclamation to be completed at the expense of the municipality. The municipality's costs shall constitute an assessment against the owner, and shall create a lien against the real estate on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

Amend the bill by replacing section 8 with the following:

8 Stationary Manufacturing Plants; Compliance with Minimum Standards. Amend RSA 155-E:2, III(b) to read as follows:

(b) No further permit shall be required under this chapter for excavation from an area which on [the effective date of this section] *August 4, 1989*, is contiguous to or is contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before [the effective date of this section] *August 4, 1989*, which use earth obtained from such areas. It is further provided that their operation and reclamation shall continue to be regulated by such local or state permits and any renewals or extensions thereof by the permitting authority or authorities. *However, all excavation on such sites shall comply with the operational standards established in RSA 155-E:4-a, and the reclamation standards established in RSA 155-E:5 and RSA 155-E:5-a.*

Amend the bill by replacing section 10 with the following:

10 Reclamation Plan; Effects to be Addressed. RSA 155-E:3, VI is repealed and reenacted to read as follows:

VI. A plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 and RSA 155-E:5-a. Such plan shall address the affects of the proposed excavation on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and may address the affects on wildlife and future land use, and shall include a timetable for reclamation of fully depleted sites within the excavation area during said project.

Amend the bill by replacing all after section 11 with the following:

12 Prohibited Projects; Permit not Granted. RSA 155-E:4, VII is repealed and reenacted to read as follows:

VII. When the excavation requires permits from state or federal agencies; but the regulator may approve the application when all necessary permits have been obtained; or

13 Operational Standards; Minimum. Amend the introductory paragraph of RSA 155-E:4-a to read as follows:

It shall be a violation of this chapter for any person to excavate, or for any owner to permit excavation on his excavation site, whether such excavation is subject to a permit under this chapter, or regulated under RSA 155-E:2, without complying with the following *minimum* standards:

14 New Paragraph; Excavations; Setback Requirements. Amend RSA 155-E:4-a by inserting after paragraph II the following new paragraph:

II-a. No excavation shall be permitted within 150 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 50 feet of any other stream, river or brook which normally flows throughout the year, or any lake, prime wetland as defined in RSA 482-A:15, I or any other wetland greater than 5 acres in area.

15 Reference Change. Amend RSA 155-E:4-a, IV to read as follows:

IV. Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods. Excavation practices which result in siltation of streams or degradation of any water supplies are prohibited. For excavation projects which require a permit from the division of water supply and pollution control pursuant to RSA [149:8-a] ~~485-A:17~~, the provisions of that statute, and rules adopted under it shall supersede this paragraph. The excavator shall file a copy of the permit issued under RSA [149:8-a] ~~485-A:17~~ with the regulator.

16 Excavation Site; Reclamation Bond. Amend RSA 155-E:4-a, VII to read as follows:

VII. Prior to the removal of topsoil or other material from a new excavation area, the excavator shall file a reclamation bond or other security as prescribed by the regulator, sufficient to secure the reclamation of the *excavation* site.

17 Reclamation Standards; Soil Replacement. Amend RSA 155-E:5, I, to read as follows:

I. Except for *naturally-occurring* exposed rock ledge *in place prior to excavation*, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil or strippings, if any, but in any case covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

18 Reclamation Standards; Slopes. Amend RSA 155-E:5, III to read as follows:

III. All slopes, except for *naturally-occurring* exposed ledge *in place prior to excavation*, shall be graded to natural repose for the type of soil of which they are composed, but shall not in any case be left steeper than [2:1] *1 vertical to 2 horizontal or some other ratio approved by the regulator in the reclamation plan*. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

19 New Paragraphs; Reclamation Standard; Prior Use; Hazardous Embankments. Amend RSA 155-E:5 by inserting after paragraph V the following new paragraphs:

VI. As part of the reclamation plan, the land shall be returned to a usable state agreeable to the regulator.

VII. Any embankment resulting from any excavation undertaken prior to or after August 4, 1989, shall be subject to town bylaws adopted pursuant to RSA 31:41-b.

20 Incremental Regulation; New Standards. RSA 155-E:5-a is repealed and reenacted to read as follows:

155-E:5-a Incremental Reclamation. Each operator shall reclaim and revegetate the land affected by his operation as completely, effectively, and expeditiously as possible. Pursuant to this chapter, each operator shall prepare and effectuate a method of operation and grading plan, including backfilling, highwall reduction, and topsoiling. Each operator shall prepare and submit to the regulator for approval a reclamation plan for the affected land, including a timetable for reclamation of the depleted areas within the excavation site. In developing an operational and reclamation plan, the operator shall take all necessary measures to eliminate damages to landowners and members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, landslides, water pollution, and hazards to life and property.

21 Waiver Eliminated; Excavations. Amend RSA 155-E:11, II to read as follows:

II. Such regulations may include reasonable provisions for the protection of water resources, consistent with the municipality's local water resources management and protection plan developed under RSA 674:2, VIII. [If such regulations prohibit excavations below a stated height above the water table, the regulations shall also contain a procedure whereby an exception to such prohibition shall be granted if the applicant demonstrates that such excavation will not adversely affect water quality, provided, however, that written notice of such exception shall be recorded in the registry of deeds, and one copy filed with the division of water supply and pollution control, department of environmental services.]

22 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

Rep. Douglas Hill abstained from voting under Rule 16.

HBI 2011, relating to mining. **OUGHT TO PASS.**

This Bill of Intent serves notice to the House Committees on Resources, Recreation and Development and Environment and Agriculture to cooperate in a study of present and future mining in New Hampshire. Vote 13-2. Rep. John L. Sherburne for Environment and Agriculture.

Ordered to third reading.

Rep. Douglas Hill abstained from voting under Rule 16.

HB 1423, declaring that life begins at conception. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

MAJORITY: The Committee opposes the adoption of a state policy providing that life begins at conception in view of the fact that scientific evidence has yet to concur with that statement. Therefore, it is inappropriate for this Committee to accept any such statement as fact. Vote 15-3. Rep. Alice B. Record for the Majority of Judiciary.

MINORITY: The minority of the Committee felt that the medical testimony presented to the Committee provided conclusive evidence that life begins at conception. Testifying in favor of this bill was a neurosurgeon from Dartmouth, two family physicians, and a number of others from the medical community.

When does the life of a human being start? The answer is fertilization (conception); when a human egg and a human sperm join, a new individual human life with its own unique genetic code and destiny is created. If life does not begin at conception, when does it begin?

In a recent court case in Tennessee ("Davis vs Davis") regarding custody of seven frozen embryos, it was determined that life begins at conception. It was the expert testimony of Dr. Jerome Lejeune of France that played the major role in determining this. Dr. Lejeune for 20 years has been a Medical Doctor, a Doctor in Science, and a Professor of Fundamental Genetics. Reps. David D. Hultgren, Daniel J. Healy and Shawn N. Jasper for the Minority of Judiciary.

Rep. Hultgren moved that the report of the minority, Ought to Pass, be substituted for the report of the majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Katherine Wheeler and Harlan spoke against the motion.

Reps. Healy and Searles spoke in favor of the motion.

Rep. Record requested a quorum count.

The Speaker declared a quorum present.

Rep. Record spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 103

NAYS 250

YEAS 103 BELKNAP

Bolduc, Dennis R.
Locke, Matthew J.

Golden, Paul A.
Peters, Kenneth P.

Holbrook, Robert G.
Rosen, Ralph J.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Cole, Stacey W.
Gordon, Irvin H.
Sawyer, Alfred P.

Delano, Robert F.
Laurent, John J.

Doucette, Richard F.
Pierce, David A.

COOS

Dumont, Robert E.

Lemire, George

GRAFTON

Dow, David
Shackett, Ralph E.

Driscoll, William J.
Townsend, Howard C.

LaMott, Paul I.

HILLSBOROUGH

Beaupre, Roland O.
Brady, Carolyn L.
Donovan, Francis X.
Frank, Nancy G.
Grip, Robert H.
Hultgren, David D.
Keefe, Edmund M.
Kuchinski, Steve
Lefebvre, Roland J.
Morrissette, Roland
Paquette, Rodolphe G.

Biondi, Christine A.
Desrochers, Gerard T.
Elliott, Larry G.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Jasper, Shawn N.
King, John A.
Lawrence, Norman B.
McDowell, James E.
Nardi, Theodora P.
Pepino, Leo P.

Bowers, Dorothy C.
Dionne, Paul R.
Foote, Herbert N., Sr.
Goulet, Maurice E.
Healy, Daniel J.
Jean, Romeo W.
Kress, Gloria W.
Leclerc, Charles J.
McNerney, Daniel P.
Ouellette, Robert O.
Perham, Lester R.

Prestipino, Bartolo V.
Schneiderat, Catherine
Toomey, Daniel
Vanderlosk, Stanley R.
Wright, George W.

Provost, Gilles R.
Searles, Stanley N., Sr.
Turgeon, Roland M.
Wheeler, David K.

Riley, Frances L.
Soucy, Lillian E.
Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Barberia, Richard A.
Holmes, Mary C.

Boucher, Laurent J.
Stio, Peter M.

Daneault, Gabriel
Whittemore, James A.

ROCKINGHAM

Boucher, William Paul
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Kane, Cecelia D.
Palazzo, Frank J., Sr.
Ritzo, Eugene
Sytek, Donna

Brown, Jeffrey M.
Cooke, Annette M.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
Parsons, Robert F.
Sochalski, Matthew M.
Warburton, Calvin

Buco, Stephen
Dube, LeRoy S.
Hynes, Carolyn E.
Magoon, Harold F.
Raynowska, Bernard J.
Splaine, John E., Sr.
Welch, David A.

STRAFFORD

Dionne, Albert J.
Tsiros, William

Frechette, Roland A.

Sullivan, Henry P.

SULLIVAN

Domini, Irene C.
Peyron, Fredrik

Flint, Gordon B.
Rodeschin, Beverly T.

MacAskill, Kenneth M.

NAYS 250

BELKNAP

Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Hawkins, Robert S.
Randall, Kenneth A.
Salatiello, Thomas
Ziegra, Alice S.

Maviglio, Steven R.
Rice, Thomas, Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Hill, Douglas E.
Matson, William R.
Pearson, Gertrude B.
Young, David A.

Blacketor, Paul G.
Foster, Katherine Davis
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Cole, Kenneth A.
Grodin, Richard A.
LaMar, David M.
Morse, Jo-Ann T.
Spear, Susan

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Oleson, Otto H.

Horton, Lynn C.
Merrill, Gerald
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Guest, Robert H.
Markley, J. Keith
Scanlan, David M.
Ward, Kathleen W.
White, Paul R.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Hill, Richard L.
Nordgren, Sharon
Stewart, Roger
Weymouth, Philip H.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Larson, Nils H., Jr.
Rose, William B.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Barry, Vivian
Cote, David E.
Culbert, Patrick
Domaingue, Jacquelyn
Dwyer, Patricia R.
Emerton, Lawrence
Ford, Nancy M.
Haettenschwiller, A. A.
Harlan, Susan N.
Jenkins, Mary
Klose, John F.
Lachut, Ervin R.
Lozeau, Donnalee
McRae, Karen
Murphy, Robert E.
Pappas, Toni
Robinson, Ellen-Ann
Smith, Leonard A.
Tarpley, Nancy L.

Alukonis, David J.
Baldizar, Barbara J.
Barry, William M.
Cowenhoven, Garret P.
Daigle, Robert Arthur
Drolet, Paul L.
Dyer, Merton S.
Fields, Dennis H.
Gerow, Sezen M.
Hall, Betty B.
Holden, Carol H.
Johnson, Lionel W.
Knight, Alice Tirrell
Lawrence, Eva M.
Mason, Howard F.
Messier, Irene M.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Rodgers, G. Philip
Spaloss, Henry F.
Upton, Barbara Allen

Amidon, Eleanor H.
Barry, Janet Gail
Burkush, Peter
Cox, Gladys M.
Dodge, Emma M.
Dube, Ellen C.
Dykstra, Leona
Flood, Jacqueline J.
Green, Scott E.
Hanselman, Gregory L.
Hunter, Bruce F.
Kelley, Robert N.
Kurk, Neal M.
Lown, Elizabeth
McCann, Bonnie Lou
Moore, Elizabeth A.
Packard, Bonnie B.
Record, Alice Barnard
Sallada, Roland A.
Stiles, Walter A.
Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Braiterman, Thea
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert
Wallner, Mary Jane

Apple, Lowell D.
Beaton, Nancy
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Smith, Gerald R.
Tolpin, Richard W.
West, George M.

Asplund, Bronwyn L.
Bennett, J. Allen
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Provencal, Leo A.
Soldati, Jennifer
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Lewis W.
Caswell, Albert, Jr.

Bell, Juanita
Campbell, Eunice M.
Conroy, Janet M.

Benton, Richardson D.
Campbell, Marilyn R.
Cote, Patricia L.

| | | |
|---------------------------|------------------------|----------------------|
| Fesh, Robert M. | Flanagan, Natalie S. | Flanders, Harry E. |
| Flanders, John W., Sr. | Ford, Bert H. | Forsythe, Douglas G. |
| Gage, Beverly A. | Gage, Thomas U. | Gourdeau, Raymond H. |
| Greene, Elizabeth A. | Haynes, Richard L. | Hoar, John, Jr. |
| Johnson, Robert A. | Katsakiores, George N. | Katsakiores, Phyllis |
| King, Roger C. | Klemm, Arthur P., Jr. | Lovejoy, Virginia K. |
| MacDonald, Joseph A. | MacDonald, Maurice B. | MacKinnon, Nancy W. |
| Mace, Ada L. | Malcolm, Kenneth W. | McCain, William F. |
| McCarthy, John James, Jr. | McGovern, Cynthia A. | McKinney, Betsy |
| Micklon, Stephanie K. | Pantelakos, Laura C. | Parr, Ednapearl F. |
| Popov, Elizabeth M. | Rosencrantz, James R. | Senter, Marilyn P. |
| Seward, Russell G. | Sherburne, John L. | Skinner, Patricia M. |
| Stachowske, Vicki | Tufts, J. Arthur | Vartanian, Elsie |
| Vaughn, Charles L. | Weddle, Michael Rodney | Weyler, Kenneth L. |
| Wright, David B. | | |

STRAFFORD

| | | |
|-------------------------|--------------------------|------------------------|
| Appleby, James E. | Bernard, Mary E. | Bickford, Drucilla |
| Brown, Julie M. | Burton, Wayne M. | Flynn, Anita A. |
| Flynn, Edward J. | Foss, Patricia H. | Gilmore, Gary |
| Keans, Sandra Balomenos | Kinney, Paula J. | Lachance, Douglas |
| Martling, W. Kent | Merrill, Amanda | Musler, George T. |
| Parks, Joe B. | Pelley, Janet R. | Scharff, Thomas Edward |
| Spencer, Leo J. | Stewart, Glenn W. | Torr, Ann M. |
| Vincent, Francis C. | Wheeler, Katherine Wells | Young, John B. |

SULLIVAN

| | | |
|---------------------|-----------------------|--------------------|
| Behrens, Thomas A. | Burling, Peter Hoe | Harland, Jane A. |
| Hinrichsen, Keith | Krueger, Richard H. | Middleton, John A. |
| Schotanus, Merle W. | Stamatakis, Carol M., | |

and the substitute motion lost.

Resolution adopted.

Rep. William Desrosiers wished to be recorded in favor of the substitute motion.

Reps. Hollingworth and Teshner wished to be recorded against the substitute motion.

Rep. Hunter notified the Clerk that he inadvertently voted nay, and meant to vote yea on the substitute motion.

HB 1424-FN, regulating abortions. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: House Bill 1424 would keep abortion safe and legal in New Hampshire regulating abortion in the third trimester as is allowed under Roe vs Wade. It also repeals the antique and probably unconstitutional statutes on the subject, written in 1848. The amendment makes the bill effective on passage. Vote 16-3. Rep. Elizabeth D. Lown for the Majority of Judiciary.

MINORITY: The minority of the Committee does not believe that HB 1424 should become law. If passed, New Hampshire would have the most liberal abortion law in the nation. While the sponsors claim that this bill is a compromise, in fact it is not. Testimony indicates that there are currently no abortions being performed in New Hampshire after the 24th week. Under this bill we do not even make an effort to

regulate abortions for sex selection. The minority does not believe that the citizens of New Hampshire support abortions for sex selection nor does it believe they support abortion through the 24th week.

While the sponsors claim that HB 1424 restricts abortion to the degree allowed by the recent Webster decision, the minority believes that the state has a right to regulate abortion to a much larger degree than this bill claims. Roe vs Wade is open to further challenge and refinement. If abortion is passed, it should be based on individual beliefs not by attempting to second guess the United States Supreme Court. Whether an individual is pro choice or pro life, the minority believes that there are ample reasons to find HB 1424 Inexpedient to Legislate. Reps. Shawn N. Jasper and David D. Hultgren for the Minority of Judiciary.

Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Jasper moved that the report of the minority, Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Burling and Paul White spoke against the motion and yielded to questions.

Reps. McNerney and Hoelzel spoke in favor of the motion.

Reps. Micklon, Schotanus and Thomas Gage spoke against the motion.

(Speaker in the Chair)

Rep. Domaingue requested a quorum count and spoke to the motion.

Rep. Sochalski spoke in favor of the motion and yielded to questions.

The Speaker declared a quorum present.

A roll call was called for. Sufficiently seconded.

YEAS 148

NAYS 212

YEAS 148 BELKNAP

Bolduc, Dennis R.
Locke, Matthew J.
Rosen, Ralph J.

Golden, Paul A.
Peters, Kenneth P.

Holbrook, Robert G.
Rice, Thomas, Jr.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Cole, Stacey W.
Gordon, Irvin H.
Sawyer, Alfred P.

Delano, Robert F.
Laurent, John J.

Doucette, Richard F.
Pierce, David A.

COOS

Brungot, Catherine V.
Lemire, George

Buckley, C. Fitzgerald, III Dumont, Robert E.

GRAFTON

Dow, David
LaMott, Paul I.
Townsend, Howard C.

Driscoll, William J.
Markley, J. Keith
Weymouth, Philip H.

Hill, Richard L.
Shackett, Ralph E.

HILLSBOROUGH

Ahrens, Frederick G.
 Bowers, Dorothy C.
 Dionne, Paul R.
 Donovan, Francis X.
 Emerton, Lawrence
 Foote, Herbert N., Sr.
 Goulet, Maurice E.
 Healy, Daniel J.
 Hunter, Bruce F.
 Keefe, Edmund M.
 Klose, John F.
 Lawrence, Eva M.
 Lefebvre, Roland J.
 Morrisette, Roland
 Ouellette, Robert O.
 Perham, Lester R.
 Riley, Frances L.
 Soucy, Lillian E.
 Turgeon, Roland M.
 Wheeler, David K.
 Young, Willard N.

Beaupre, Roland O.
 Brady, Carolyn L.
 Dodge, Emma M.
 Drolet, Paul L.
 Fields, Dennis H.
 Frank, Nancy G.
 Grip, Robert H.
 Holden, Carol H.
 Jasper, Shawn N.
 Kelley, Robert N.
 Kress, Gloria W.
 Lawrence, Norman B.
 McDowell, James E.
 Nardi, Theodora P.
 Paquette, Rodolphe G.
 Prestipino, Bartolo V.
 Schneiderat, Catherine
 Stiles, Walter A.
 Tyree, Paul M.
 Wihby, Linda S.

Biondi, Christine A.
 Desrosiers, William J.
 Domaingue, Jacquelyn
 Elliott, Larry G.
 Flood, Jacqueline J.
 Gagnon, Gabrielle V.
 Gureckis, Adam C., Sr.
 Hultgren, David D.
 Jean, Romeo W.
 King, John A.
 Kuchinski, Steve
 Leclerc, Charles J.
 McNerney, Daniel P.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Provost, Gilles R.
 Searles, Stanley N., Sr.
 Toomey, Daniel
 Vanderlosk, Stanley R.
 Wright, George W.

MERRIMACK

Asplund, Bronwyn L.
 Carter, Susan D.
 Pfaff, Terence R.
 Shaw, Randall F.

Barberia, Richard A.
 Daneault, Gabriel
 Phelps, James D.
 Stio, Peter M.

Boucher, Laurent J.
 Holmes, Mary C.
 Provencal, Leo A.
 Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
 Bucu, Stephen
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 McKinney, Betsy
 Raynowska, Bernard J.
 Sochalski, Matthew M.
 Warburton, Calvin

Boucher, William Paul
 Campbell, Eunice M.
 Cote, Patricia L.
 Fesh, Robert M.
 Gourdeau, Raymond H.
 Kane, Cecelia D.
 King, Roger C.
 Magoon, Harold F.
 Palazzo, Frank J., Sr.
 Ritzo, Eugene
 Splaine, John E., Sr.
 Welch, David A.

Brown, Jeffrey M.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 McCarthy, John James, Jr.
 Parsons, Robert F.
 Seward, Russell G.
 Sytek, Donna
 Wright, David B.

STRAFFORD

Bernard, Mary E.
 Sullivan, Henry P.

Dionne, Albert J.
 Tsiros, William

Frechette, Roland A.

SULLIVAN

Behrens, Thomas A.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Domini, Irene C.
 Middleton, John A.

Flint, Gordon B.
 Peyron, Fredrik

NAYS 212 BELKNAP

Campbell, Richard H., Jr.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Salatiello, Thomas
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Hill, Douglas E.
Matson, William R.
Pearson, Gertrude B.
Young, David A.

Blacketor, Paul G.
Foster, Katherine Davis
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Cole, Kenneth A.
Grodin, Richard A.
LaMar, David M.
Morse, Jo-Ann T.
Spear, Susan

COOS

Burns, Harold W.
Mayhew, Josephine
Oleson, Otto H.

Horton, Lynn C.
Merrill, Gerald
Woodburn, Jeffrey R.

Kilbride, Dennis J.
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Guest, Robert H.
Rose, William B.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.
White, Paul R.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Nordgren, Sharon
Stewart, Roger
Ward, Kathleen W.

HILLSBOROUGH

Alukonis, David J.
Baldizar, Barbara J.
Barry, William M.
Cowenhoven, Garret P.
Daigle, Robert Arthur
Dwyer, Patricia R.
Ford, Nancy M.
Haettenschwiller, A. A.
Harlan, Susan N.
Knight, Alice Tirrell
Lown, Elizabeth
McCann, Bonnie Lou
Moore, Elizabeth A.
Pappas, Toni
Robinson, Ellen-Ann

Amidon, Eleanor H.
Barry, Janet Gail
Burkush, Peter
Cox, Gladys M.
Desrochers, Gerard T.
Dyer, Merton S.
Gerow, Sezen M.
Hall, Betty B.
Jenkins, Mary
Kurk, Neal M.
Lozeau, Donnalee
McRae, Karen
Murphy, Robert E.
Pignatelli, Debora B.
Rodgers, G. Philip

Andrews, Frederick B.
Barry, Vivian
Cote, David E.
Culbert, Patrick
Dube, Ellen C.
Dykstra, Leona
Green, Scott E.
Hanselman, Gregory L.
Johnson, Lionel W.
Lachut, Ervin R.
Mason, Howard F.
Messier, Irene M.
Packard, Bonnie B.
Record, Alice Barnard
Sallada, Roland A.

Smith, Leonard A.
Upton, Barbara Allen

Spaloss, Henry F.

Tarpley, Nancy L.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Jacobson, Alf E.
Lockwood, Robert A.
Pantzer, Eugene
Teague, Bert
Wallner, Mary Jane

Apple, Lowell D.
Bennett, J. Allen
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Millard, Elizabeth S.
Smith, Gerald R.
Tolpin, Richard W.
West, George M.

Bardsley, Elizabeth S.
Braiterman, Thea
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Nichols, Avis B.
Soldati, Jennifer
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Campbell, Marilyn R.
Flanders, John W., Sr.
Gage, Beverly A.
Haynes, Richard L.
Johnson, Robert A.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Popov, Elizabeth M.
Senter, Marilyn P.
Stachowske, Vicki
Vaughn, Charles L.

Bell, Juanita
Caswell, Albert, Jr.
Ford, Bert H.
Gage, Thomas U.
Hoar, John, Jr.
Lovejoy, Virginia K.
MacKinnon, Nancy W.
McCain, William F.
Pantelakos, Laura C.
Rosencrantz, James R.
Sherburne, John L.
Tufts, J. Arthur
Weddle, Michael Rodney

Brown, Lewis W.
Conroy, Janet M.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hollingworth, Beverly A.
MacDonald, Joseph A.
Mace, Ada L.
McGovern, Cynthia A.
Parr, Ednapearl F.
Roulston, Donald L.
Skinner, Patricia M.
Vartanian, Elsie
Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Foss, Patricia H.
Kinney, Paula J.
Merrill, Amanda
Pelley, Janet R.
Stewart, Glenn W.
Vincent, Francis C.

Bickford, Drucilla
Flynn, Anita A.
Gilmore, Gary
Lachance, Douglas
Musler, George T.
Scharff, Thomas Edward
Swope, Warren L.
Wheeler, Katherine Wells

Brown, Julie M.
Flynn, Edward J.
Keans, Sandra Balomenos
Martling, W. Kent
Parks, Joe B.
Spencer, Leo J.
Torr, Ann M.
Young, John B.

SULLIVAN

Burling, Peter Hoe
Krueger, Richard H.
and the substitute motion lost.

Harland, Jane A.
Schotanus, Merle W.

Hinrichsen, Keith
Stamatakis, Carol M.,

Reps. Burkush and Gerald Desrochers notified the Clerk that they inadvertently voted nay and meant to vote yea on the substitute motion.

Ordered to third reading.

Reps. Clyde Eaton, Lewis and Avery wished to be recorded in favor of the bill.

(Deputy Speaker Burns in the Chair)

HB 1425-FN, prohibiting public funds, employees and facilities to assist or perform abortions. **INEXPEDIENT TO LEGISLATE.**

The majority of the Committee believes that this bill would be unconstitutional. There are no state or federal funds being spent on abortion and passage of this bill could result in loss of federal funds to the state for family counseling. Vote 17-2. Rep. Beverly A. Hollingworth for Judiciary.

Rep. Foote moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Thomas Gage spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 94**NAYS 223****YEAS 94
BELKNAP**

Golden, Paul A.
Peters, Kenneth P.

Holbrook, Robert G.
Rice, Thomas, Jr.

Locke, Matthew J.
Rosen, Ralph J.

CARROLL

Daly, Robert J., Jr.

MacDonald, Kenneth J.

CHESHIRE

Cole, Stacey W.
Laurent, John J.

Delano, Robert F.
Pierce, David A.

Doucette, Richard F.
Sawyer, Alfred P.

COOS

Dumont, Robert E.

Lemire, George

GRAFTON

Dow, David
Townsend, Howard C.

Driscoll, William J.

LaMott, Paul I.

HILLSBOROUGH

Beaupre, Roland O.
Dionne, Paul R.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Holden, Carol H.
Jean, Romeo W.
King, John A.
Lawrence, Norman B.
McCann, Bonnie Lou
Nardi, Theodora P.
Provost, Gilles R.
Soucy, Lillian E.
Vanderlosk, Stanley R.

Cowenhoven, Garret P.
Donovan, Francis X.
Foote, Herbert N., Sr.
Gureckis, Adam C., Sr.
Hultgren, David D.
Keefe, Edmund M.
Kress, Gloria W.
Leclerc, Charles J.
McDowell, James E.
Ouellette, Robert O.
Riley, Frances L.
Turgeon, Roland M.
Wheeler, David K.

Desrosiers, William J.
Emerton, Lawrence
Frank, Nancy G.
Hanselman, Gregory L.
Hunter, Bruce F.
Kelley, Robert N.
Kuchinski, Steve
Lefebvre, Roland J.
McNerney, Daniel P.
Pepino, Leo P.
Searles, Stanley N., Sr.
Tyree, Paul M.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Pfaff, Terence R.

Boucher, Laurent J.
Stio, Peter M.

Daneault, Gabriel
Whittemore, James A.

ROCKINGHAM

Brown, Jeffrey M.
Cooke, Annette M.
Fesh, Robert M.
Kane, Cecelia D.
Palazzo, Frank J., Sr.

Buco, Stephen
Dube, LeRoy S.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
Ritzo, Eugene

Campbell, Eunice M.
Felch, Charles H., Sr.
Hynes, Carolyn E.
McKinney, Betsy
Sochalski, Matthew M.

Splaine, John E., Sr.
Welch, David A.

Stachowske, Vicki

Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Frechette, Roland A.

Brown, Julie M.
Stewart, Glenn W.

Dionne, Albert J.
Tsiros, William

SULLIVAN

Domini, Irene C.
Rodeschin, Beverly T.

Flint, Gordon B.

MacAskill, Kenneth M.

NAYS 223

BELKNAP

Campbell, Richard H., Jr.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Salatiello, Thomas
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

CHESHIRE

Blacketor, Paul G.
Foster, Katherine Davis
Hill, Douglas E.
Matson, William R.
Pearson, Gertrude B.

Cole, Kenneth A.
Gordon, Irvin H.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Crutchley, Donald O.
Grodin, Richard A.
LaMar, David M.
Morse, Jo-Ann T.
Spear, Susan

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Oleson, Otto H.

Horton, Lynn C.
Merrill, Gerald
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Hill, Richard L.
Nordgren, Sharon
Shackett, Ralph E.
Ward, Kathleen W.
White, Paul R.

Arnesen, Deborah L.
Brown, Channing T.
Densmore, Edward D.
Larson, Nils H., Jr.
Rose, William B.
Stewart, Roger
Weymouth, Philip H.

Bean, Pamela B.
Christy, C. Dana
Guest, Robert H.
Markley, J. Keith
Scanlan, David M.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Alukonis, David J.
Baldizar, Barbara J.
Bowers, Dorothy C.
Cox, Gladys M.
Desrochers, Gerard T.
Drolet, Paul L.
Dyer, Merton S.
Fields, Dennis H.

Amidon, Eleanor H.
Barry, Vivian
Burkush, Peter
Culbert, Patrick
Dodge, Emma M.
Dube, Ellen C.
Dykstra, Leona
Ford, Nancy M.

Andrews, Frederick B.
Barry, William M.
Cote, David E.
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dwyer, Patricia R.
Elliott, Larry G.
Goulet, Maurice E.

Green, Scott E.
Hall, Betty B.
Jasper, Shawn N.
Klose, John F.
Lachut, Ervin R.
Lozeau, Donnalee
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Stiles, Walter A.
Young, Willard N.

Grip, Robert H.
Harlan, Susan N.
Jenkins, Mary
Knight, Alice Tirrell
Lawrence, Eva M.
McRae, Karen
Morrissette, Roland
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Sallada, Roland A.
Tarpley, Nancy L.

Haettenschwiller, A. A.
Healy, Daniel J.
Johnson, Lionel W.
Kurk, Neal M.
Lown, Elizabeth
Messier, Irene M.
Murphy, Robert E.
Perham, Lester R.
Record, Alice Barnard
Smith, Leonard A.
Upton, Barbara Allen

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Anderson, Eleanor M.
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Carter, Susan D.
Fillion, Paul R.
Hill, Michael
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Nichols, Avis B.
Shaw, Randall F.
West, George M.

Apple, Lowell D.
Beaton, Nancy
Dunn, Miriam
Gilbreth, Robert M.
Jacobson, Alf E.
Lockwood, Robert A.
Pantzer, Eugene
Smith, Gerald R.

Asplund, Bronwyn L.
Braiterman, Thea
Fair, Patricia A.
Hall, Douglas E.
Johnson, C. William
Millard, Elizabeth S.
Phelps, James D.
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Boucher, William Paul
Caswell, Albert, Jr.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
MacDonald, Joseph A.
Mace, Ada L.
McCarthy, John James, Jr.
Parsons, Robert F.
Rosencrantz, James R.
Sherburne, John L.
Vaughn, Charles L.
Wright, David B.

Bell, Juanita
Brown, Lewis W.
Conroy, Janet M.
Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemm, Arthur P., Jr.
MacDonald, Maurice B.
Magoon, Harold F.
Pantelakos, Laura C.
Popov, Elizabeth M.
Senter, Marilyn P.
Skinner, Patricia M.
Weddle, Michael Rodney

Benton, Richardson D.
Campbell, Marilyn R.
Cote, Patricia L.
Ford, Bert H.
Gourdeau, Raymond H.
Hollingworth, Beverly A.
Katsakiores, Phyllis
Lovejoy, Virginia K.
MacKinnon, Nancy W.
Malcolm, Kenneth W.
Parr, Ednapearl F.
Raynowska, Bernard J.
Seward, Russell G.
Tufts, J. Arthur
Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Flynn, Edward J.
Keans, Sandra Balomenos
Musler, George T.
Scharff, Thomas Edward
Swope, Warren L.
Wheeler, Katherine Wells

Bickford, Drucilla
Foss, Patricia H.
Kinney, Paula J.
Parks, Joe B.
Spencer, Leo J.
Torr, Ann M.
Young, John B.

Flynn, Anita A.
Gilmore, Gary
Martling, W. Kent
Pelley, Janet R.
Sullivan, Henry P.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Schotanus, Merle W.

Burling, Peter Hoe
 Middleton, John A.
 Stamatakis, Carol M.,

Hinrichsen, Keith
 Peyron, Fredrik

and the substitute motion lost.

Resolution adopted.

Reps. Pappas, Micklon, David Young, Hager, Fraser, McCain, Chambers, Trombly, Wadsworth, Amanda Merrill, Jane Harland, Soldati, Burton, McGovern, Barber and Gross wished to be recorded against the substitute motion.

Reps. Sytek, Packard and Bolduc wished to be recorded in favor of the substitute motion.

Rep. Stachowske notified the Clerk that she inadvertently voted yea and meant to vote nay on the substitute motion.

HB 1046, relative to the declaration of purpose for the planning and zoning laws. **OUGHT TO PASS WITH AMENDMENT.**

This bill amends the declaration of purpose for the Planning and Zoning Laws as it relates to the encouragement of agricultural and forestry activities. New Hampshire's forests and agricultural areas are an essential component of the landscape and add immeasurably to the quality of life for the state's citizens. In passing this bill, the intent is not to restrict municipalities from proper exercise of planning and zoning, but rather to make it clear that planning and zoning should not be unreasonably used to the detriment of agriculture and forestry. Vote 12-1. Rep. Barbara J. Baldizar for Municipal and County Government.

Amendment

Amend the bill by replacing section 1 with the following:

I Agricultural Activities; Planning and Zoning Powers. Amend RSA 672:1, III-b and III-c to read as follows:

III-b. Agriculture makes vital and significant contributions to the food supply, the economy, the environment and the aesthetic features of the state of New Hampshire, and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the state. Natural features, terrain and the pattern of geography of the state frequently place agricultural land in close proximity to other forms of development and commonly in small parcels. Agricultural activities are a beneficial and worthwhile feature of the New Hampshire landscape and [should not] *shall* be [discouraged or] *encouraged and not unreasonably* eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers;

III-c. Forestry, when practiced in accordance with accepted silvicultural principles, constitutes a beneficial and desirable use of New Hampshire's forest resource. Forestry contributes greatly to the economy of the state through a vital forest products industry; and to the health of the state's forest and wildlife resources through sustained forest productivity, and through improvement of wildlife habitats. New Hampshire's forests are an essential component of the landscape and add immeasurably to the quality of life for the state's citizens. Because New Hampshire is a heavily forested state, forestry activities, including the harvest and transport of forest products, are often carried out in close proximity to populated areas. Further, the harvesting of timber often represents the only income that can be derived from property without resorting to development of the property for more intensive uses, and, pursuant to

RSA 79-A:1, the state of New Hampshire has declared that it is in the public interest to encourage preservation of open space by conserving forest and other natural resources. Therefore, [municipalities are discouraged from using their zoning and planning powers to restrict] *in the development of zoning and planning regulations, municipalities shall recognize the benefits of forest management, and shall not unreasonably limit* forestry activities, including the harvest and transport of forest products, when these activities are carried out within the constraints established by all applicable state laws;

AMENDED ANALYSIS

This bill amends the declaration of purpose for the planning and zoning laws as it relates to the encouragement of agricultural and forestry activities.

Amendment adopted.

Ordered to third reading.

HB 1244, relative to municipal charters. OUGHT TO PASS WITH AMENDMENT.

House Bill 1244 is a product of lengthy efforts by the legislatively-created Municipal Charter Study Committee. The bill, enabling legislation for towns and cities, provides guidelines for adoption of or changes to charters. The process has included several drafts, broad-based contributions, and a significant improvement in options to assist with the exercise of home rule authority. As amended, the bill reflects requests for linguistic clarifications, additional language to avoid conflicts with Municipal Budget Law, and protection for the established rights of individual districts. The amendment also calls for continuation of the study committee for the purpose of completing its report and considering additional proposals in local governance and related areas of municipal finance. Vote 15-0. Rep. Thomas E. Scharff for Municipal and County Government.

Rep. Richardson moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. Perry spoke against the motion and yielded to questions from Rep. Jasper.

Rep. Jasper: Thank you, Mr. Speaker. I call your attention to the calendar on page 1082, Section 49-B:12,II. There is an amendment here which states that all town and city charters which have been adopted, revised or amended, and all charter commissions which have been established, but which were not at the time contrary to the state general laws and constitution, are hereby legalized. I came before your Committee with a suggested amendment and I understand this addresses that. There are two towns in the state—I believe Hudson and Hooksett—that have adopted municipal budget law. Is it the Committee's intent that this covers that area of concern?

Rep. Perry: It was the Committee's intent to cover these towns that are not in violation of any general law of the state.

Rep. Jasper: Was it the Committee's feeling that the towns that had adopted municipal budget laws were not in violation?

Rep. Perry: Yes. They were not in violation as they are not in violation of any general law of the state.

Rep. Scharff spoke against the motion.

On a division vote, 48 members having voted in the affirmative and 280 in the negative, the substitute motion lost.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to municipal charters and to extending the time for the filing
of a report by the municipal charter study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Exclusion of Certain Towns. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city *or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting*, shall be authorized by a vote by ballot of 2/3, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose[; provided, however, that]. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote [thereat] *at such special meeting*, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. [and provided further that] The warrant for [such] *a* special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting [thereof] *of such special meeting*. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date [thereof] *of such special meeting*. Every warrant shall be deemed to have been duly served or posted, if the return [thereon] *on the warrant* shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority [thereof] *of the governing body*, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed [thereto] *to it*. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale [thereof] *of such bonds or notes*, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

2 New Section; Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B. Amend RSA 33 by inserting after section 33:8-c the following new section:

33:8-d Procedures for Authorizing Bonds or Notes in Municipalities Adopting Charters Pursuant to RSA 49-B, Without a Budgetary Town Meeting.

I. The town council of any town which has adopted a charter pursuant to RSA 49-B shall have the authority to issue bonds or notes, as follows:

(a) At least one public hearing shall be held at least 15 days, but not more than 60 days, prior to the vote on the bond issue or note. Notice of the time, place and subject matter of such hearings shall be published in a newspaper of general circulation in the municipality at least 7 days before the hearing is held and posted in at least 2 public places in the municipality.

(b) The issuance of any bonds or notes shall appear as an agenda item on the public agenda of the town council meeting at which any vote is scheduled to be taken and any action taken on such item shall be by a recorded roll call vote.

(c) A 2/3 majority vote of the town council shall be required to authorize the issuance of bonds or notes.

(d) The authority of the town council to issue bonds or notes pursuant to this paragraph is limited to an amount not in excess of 10 percent of the town's operating budget for the most recently-concluded fiscal year.

II. In the event that a proposed bond issue or note is in excess of 10 percent of the town's operating budget for the most recently-concluded fiscal year, a referendum shall be held on said issuance, as follows:

(a) The town council shall, after notice and public hearing at a regularly scheduled council meeting, order a referendum on the issuance to be held on the Tuesday not less than 60 nor more than 67 days from the regular meeting at which the order is passed.

(b) The town council shall hold at least one additional public hearing on the proposed bond or note after the issuance of its order for a referendum. The hearing shall be held at least 30 days, but not more than 60 days, prior to the referendum.

(c) The same notice requirements for public hearings on issuance of bonds or notes by vote of the town council shall apply to public hearings on bonds or notes to be authorized by referendum.

(d) An additional public hearing shall be held if the proposed bond or note issue is substantively altered by the town council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and shall comply with the same notice requirements.

(e) An official copy of the final bond or note proposal shall be placed on file with the town clerk and made available to the public 7 days before the referendum and displayed at the voting place on the day of the referendum.

(f) The town clerk shall prepare an official ballot which shall include the following question:

"Are you in favor of appropriating the sum of \$..... for the purpose of, with said sum to be in addition to any federal, state or private funds made available therefor, and of authorizing the issuance of not more than \$..... of bonds or notes in accordance with the provisions of the municipal finance act, RSA Chapter 33?"

When submitting the question under this section to the voters, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

(g) If a 2/3 majority of the voters present and voting on the issuance of bonds or notes shall vote in the affirmative, the appropriation and issuance of bonds or notes in the amounts so stated in the question shall be declared to have been adopted.

3 Definitions. Amend the section heading of RSA 49-B:2 to read as follows:

49-B:2 Scope of Authorization; *Definitions*.

4 Town Government. RSA 49-B:2, II is repealed and reenacted to read as follows:

II. If the proposed charter denominates the municipality as a town, the charter shall be prepared pursuant to RSA 49-D.

5 City Government. RSA 49-B:2, III is repealed and reenacted to read as follows:

III. If the proposed charter denominates the municipality as a city, the charter shall be prepared pursuant to RSA 49-C.

6 Definitions. RSA 49-B:2, IV is repealed and reenacted to read as follows:

IV. In this chapter:

(a) "Amendment" means the enactment or repeal of a single section or subsection of a charter, pertaining to only one subject matter, and any related section the meaning or operation of which is changed as a result of the enactment or repeal.

(b) "Elected body" means the mayor and board of aldermen, mayor and council, and city council in a city adopting a charter under RSA 49-C and a town council in a town adopting a charter under RSA 49-D.

(c) "Governing body" means the board of selectmen and the board of aldermen, or council in a city or in a town with a town council.

(d) "Legislative body" means a town meeting, city or town council, mayor and council and mayor and board of aldermen.

(e) "Municipality" means a city or a town.

(f) "Municipal officers" means the mayor and board of aldermen, mayor and council, and city council in a city, and board of selectmen and town council in a town.

(g) "Municipal year" means the fiscal year of the municipality.

(h) "Operating budget" means total appropriations, as determined by the department of revenue administration, exclusive of county and school taxes; principal and interest payments on bonds and notes; and amounts in satisfaction of court judgments.

(i) "Revision" means changes in the basic form of government, whether proposed by a single or several enactments or repeals, or both; representation on an elected body; method of election; and, duties or authority of specific officials.

(j) "Revocation" means the repeal of an entire charter such that the resultant form of government is the form in existence immediately prior to the adoption of the charter being repealed.

7 Biennial Elections. Amend RSA 49-B:3, V to read as follows:

V. Within 30 days after the adoption of an order under paragraph I or the receipt of a certificate or final determination of sufficiency under paragraph IV, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at the next regular [or special] municipal election [held not less than 60 days thereafter] *or, in the case of municipalities with biennial elections, at the next regular state biennial election*. The question to be submitted to the voters shall be in substance as follows: "Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?"

8 Charter Commission. Amend RSA 49-B:4, I and II to read as follows:

I. The charter commission shall consist of 9 members, [6] *all* of whom shall be *registered* voters of the municipality *and* elected as hereinafter provided [and 3 of whom shall be appointed by the municipal officers].

(a) *Within 5 days after the deadline for a recount of a vote confirming the establishment of a charter commission, the municipal officers shall meet to order a special election to be held on the Tuesday not less than 56 days nor more than 63 days after such meeting for the purpose of electing charter commission members.*

(b) Voter members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. [Election of voter members shall be held at the same municipal election as the referendum for the charter commission.] The names of the candidates shall be arranged alphabetically by surname [immediately below the question relating to the charter commission].

[(b) Appointive members need not be residents of the municipality, but only one may be a municipal officer. Appointments shall be made in accordance with the

municipal custom or bylaws and shall be made by the municipal officers within 30 days after the adoption of the charter commission.]

II. The municipal clerk shall [immediately] *within 7 days* after [receiving notice of the appointment of the members by the municipal officers] *the election of the charter commission members*, notify the appointed and elected members of the charter commission of the date, time and place of the organizational meeting of the charter commission. Such date, time and place shall be fixed by the clerk and 7 days' notice [thereof] *of the organizational meeting* shall be given. The charter commission shall organize by electing from its members a chairman, vice chairman and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality except that a vacancy among appointive members shall be promptly filled by the municipal officers. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

9 Preparation Time for Preliminary Report and Filing of Final Report. Amend RSA 49-B:4, V and VI to read as follows:

V. Within 14 days after its organizational meeting, the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions. Within [8] **6** months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting same. Within 10 months after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general laws. Minority reports if filed shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the municipality at such times and places as may be specified in a notice published at least 10 days prior to the hearing in a newspaper having general circulation in the municipality, but hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular [or special] municipal election [held at least 60 days after the filing of the final report] *or, in the case of municipalities with biennial elections, at the next regular state biennial election.*

10 Preliminary Report. Amend the introductory paragraph of RSA 49-B:5-a, I to read as follows:

I. Within 5 days [of] *after* the filing of the [final] *preliminary* report relative to any new municipal charter, charter revision, or charter amendment affecting election officers or the conduct of elections, the municipal clerk shall file a certified copy of said report with the secretary of state. Within 14 days of the receipt of said report by

the secretary of state, he shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the following general laws of this state dealing with election officers and dates:

11 Charter Revocation. Amend RSA 49-B:6, IV(a) to read as follows:

(a) Charter revisions, [or] new charters, *or revocations of a charter* adopted by the voters shall become effective immediately [but only] for the purpose of conducting necessary elections; otherwise charter revisions, [and] new charters, *and revocations of charters* become effective on the first day of the next succeeding municipal year *or as specified in any transition provisions of the charter*.

12 New Section; Separability; Preservation of Existing Charter Actions. Amend RSA 49-B by inserting after section 11 the following new section:

49-B:12 Separability; Preservation.

I. The provisions of this chapter and of charters created under this chapter are separable. If any portion of this chapter, or of any charter adopted under the provisions of this chapter, or if the application of the chapter or such charter to any person or circumstance shall be invalid, the remainder of the chapter or such charter or the application of such invalid portions to other persons or circumstances shall not be affected by such invalidation.

II. All town and city charters which have been adopted, revised or amended; all charter commissions which have been established and elected; and all elections held and actions taken pursuant to such elections, which were not at the time contrary to the state general laws and constitution, are hereby legalized.

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D.

13 New Chapters; Local Option-City Charters; Local Option-Town Charters. Amend RSA by inserting after chapter 49-B the following new chapters:

CHAPTER 49-C

LOCAL OPTION-CITY CHARTERS

49-C:1 Purpose. The purpose of this chapter shall be to implement part I, article 39 of the New Hampshire constitution enabling municipalities to draft city charters within the framework of the statute without the need for creating special charters by action of the general court.

49-C:2 Incorporation. The inhabitants of any municipality adopting a city charter under this act shall continue to be a body politic and corporate under its pre-existing name and as such to enjoy all the rights, immunities, powers and privileges and be subject to all duties and liabilities now incumbent upon them as a municipal corporation. All existing property of the municipality shall remain vested in it and all its existing debts and obligations shall remain obligatory upon it after the adoption of a charter under this chapter.

49-C:3 Wards. The city shall continue to be divided into the same number of wards as constituted at the time of the adoption of a charter hereunder, and the general laws relative to wards of cities, officers of such wards and voters, check lists, elections and jurors shall be applicable to such wards.

Elections

49-C:4 Conduct of Elections. The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at city expense in the same manner as a regular biennial election on a date permitted for city elections in RSA 44:11 and specified in the charter to elect all elected officials provided for in

the charter. The supervisors of the check list in each ward shall fix the polling place in each ward and give notice of the polling place when the check list for the municipal election is first posted.

49-C:5 Qualification of Voters. Persons who would be qualified to vote in a biennial election if held on the day of such municipal election shall be qualified to vote in all elections held pursuant to this chapter and all such elections shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with this chapter. The polls shall be open at each municipal election during such hours as the charter may provide, consistent with state election laws.

49-C:6 Preparation of Ballots. The city clerk shall prepare the ballots to be used at the municipal elections. Under charters providing for election by the Australian ballot system, the ballots shall be prepared in accordance with the procedure provided for in general election laws governing such system. Under charters providing for non-partisan elections, the ballot shall contain the names in alphabetical order by surname, without party designation of all who file with the city clerk, as candidates for elective office. In the alternative, the charter may provide for a random selection of the order of names on the ballot. The charter shall specify a filing period, the filing fee to be paid for each office and, as an alternative method of becoming a candidate on the ballot, the number of qualified voters which may be subscribed to a nominating petition in such form as the charter may set out.

49-C:7 Contested Elections. Any election contest shall be resolved in accordance with the procedure set forth in the general election laws governing biennial elections.

49-C:8 The Elected Body. The governing and legislative body under the mayor-aldermen plan shall be a principal officer called the mayor and a board of aldermen; and, under the council-manager plan shall be a city council, all of whom shall be elected. In the mayor-aldermen plan the mayor shall be elected from the city-at-large. In the council-manager plan, the charter shall provide for the election of the mayor at-large or the selection by the council of one of its own members to serve as mayor. Under either plan, the charter may provide for selection by the elected body of one of its own members to serve as a designated official in the stead of the mayor and shall designate this position by the title vice-mayor, assistant mayor, mayor pro tem or other similar term. Terms of elected officials, the date of commencement and termination of office and ward and at-large representation shall be set forth in the charter.

49-C:9 Qualifications for Office. No person shall be a candidate for the office of mayor, councilor-at-large or alderman-at-large who is not a registered voter of the city. No person shall be a candidate for the office of ward alderman or ward councilor who is not a registered voter in the ward in which he seeks election. The charter may require a period of bona fide residency of up to one year for eligibility to run for office.

49-C:10 Vacancies. The charter shall provide a procedure for filling vacancies in the offices of mayor, aldermen and councilors until the next municipal or state general election at which time an election shall be held for the unexpired term.

49-C:11 Compensation. In the mayor-aldermen plan, the mayor shall devote full time to mayoral duties and shall receive such salary as may be designated by the charter, or by ordinance if the charter so authorizes. In the council-manager plan, the mayor shall not be full-time as the daily administrative responsibility and authority for city operations shall be vested in the city manager. The alderman or councilors shall

be compensated in an amount not to exceed in aggregate a sum fixed by the charter, or by ordinance if the charter so authorizes.

49-C:12 Meetings. The mayor shall preside over all meetings of the elected body and the city clerk shall act as a clerk of the body. All meetings of the elected body shall be public in accordance with RSA 91-A. Regular meetings shall be held at such hours on such days of the week, at such intervals, as the charter may designate and special meetings upon such notice as is required in the charter. The elected body shall establish its own rules, and a majority shall constitute a quorum for the transaction of the business of the board. The mayor shall have the right to introduce bills and initiate other measures at the meetings and to speak at meetings upon pending measures without resigning the chair. In cases where the mayor is directly elected, the mayor shall not be counted to make a quorum of such board, nor vote as a member of the board except in case of equal division.

49-C:13 Removal of Mayor, Aldermen and Councilors.

I. The elected body may, on specific charges and after due notice and hearing, at any time remove the mayor or one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the charter.

II. The charter may provide a procedure by which any elected official may be recalled by the voters acting on a recall question. However, no elected official may be subject to a recall until at least 6 months of the term of office has elapsed and, in the event of failure to recall, shall not be subject to recall during the remainder of the current term in which a recall election has been held.

III. Any vacancy occasioned by removal under this section shall be filled in the manner provided in the charter.

49-C:14 Ordinances. Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such times as the elected body shall determine.

49-C:15 General Powers. Except as otherwise provided, the elected body hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently, or boards of mayor and aldermen acting separately, by RSA 44 through RSA 48 or other general law now in force or later enacted, or upon the existing city councils or board of mayor and aldermen of the city of by special laws not hereby repealed. The elected body shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the elected body unless there is a contrary intent or provision, it being the purpose of this chapter to confer upon the elected body all functions of the existing board of aldermen or city council, whether legislative, executive or judicial.

Administrative Service

49-C:16 General Powers and Duties of Mayor and City Manager. The charter shall specify a mayor or city manager who shall be the chief administrative officer and the head of the administrative branch of the city government, supervising the administra-

tive affairs of the city and carrying out the policies enacted by the elected body. He shall enforce the ordinances of the city, the charter, and all general laws applicable to the city. He shall keep the elected body informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be required by charter, ordinance or resolution of the elected body. He shall have and perform such other powers and duties not inconsistent with the provisions of the charter as now are or may be conferred or imposed upon him by municipal ordinance or upon mayors or city managers by general law. The city manager shall have the right to take part in the discussion of all matters before the city council, but not the right to vote.

49-C:17 Appointment of City Manager; Qualification; Removal.

I. The city council shall appoint as city manager for an indefinite term, and fix the salary of, a qualified person who receives the votes of at least a majority of the council. The first city council elected under this charter shall appoint a manager within 6 months after the effective date of the charter. The city manager shall be chosen solely on the basis of executive and administrative qualifications, but need not be a resident of the city or the state at the time of appointment.

II. The charter shall provide a detailed procedure for removal, after notice and hearing, of the city manager. The action of the city council in removing a city manager shall be final.

III. In case of a vacancy in the position of city manager, the council may appoint an acting city manager to serve at the pleasure of the council for not more than 180 days.

49-C:18 Appointive Powers. Subject to the provision of the charter, the chief administrative officer shall have the power to appoint and remove all officers and employees in the administrative services of the city, and he may authorize and empower the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless made for a provisional, temporary or emergency service not to exceed the maximum limits which may be prescribed by the merit plan.

49-C:19 Non-Interference by the Elected Body. The elected body shall act in all matters as a body, and shall not seek individually to influence the official acts of the chief administrative officer, or any other official, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. Any member violating the provisions of this section, as determined through procedures established in the charter, shall forfeit his office.

49-C:20 Appointive Officers. The charter shall provide for the appointment of a city clerk, a treasurer, one or more assessors, a fire chief, a police chief, a health officer, a city solicitor, a general assistance administrator, and such other officers as may be necessary to administer all departments which the elected body and the charter shall establish. Assessors shall, prior to appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. The powers and duties of appointed officers and heads of departments shall be those prescribed by state law, by the charter or by ordinance.

49-C:21 Departments; Administrative Code. The city shall have departments, divisions, and bureaus as may be established by the charter or as the elected body may establish by ordinance. It shall be the duty of the first chief administrative officer,

under the provisions of the charter to draft and submit to the elected body within 9 months after assuming office, an ordinance consistent with the charter which provides for the division of the administrative service of the city into departments, divisions and bureaus and defines the functions and duties of each. The ordinance shall include provisions for a merit plan to insure that all appointments and promotions in the service of the city shall be made solely on the basis of merit and only after appropriate examination or review of the applicants' relative knowledge, skills, abilities and experience. Subsequent to the adoption of such ordinance, upon recommendation of the chief administrative officer, the elected body by ordinance may create, consolidate or abolish departments, divisions and bureaus and define the functions and duties of each. The compilation of such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and of the employees of his department and shall have power to prescribe rules and regulations, not inconsistent with general law, the charter, the administrative code, and the provisions of the merit plan. Prior to adoption of the administrative code the chief administrative officer shall have the power to establish temporary rules and regulations to insure economy and efficiency in the several divisions of the city government.

Finance

49-C:22 Fiscal Year. The fiscal and budget year of the city shall begin on January 1, or July 1, unless another date shall be fixed by the charter or by ordinance and the charter shall address any interim period or transition.

49-C:23 Budget Process and Fiscal Control. The charter shall provide for the following:

I. A budget submission date and a date by which an annual budget shall be finally adopted by the elected body. Failing final adoption by the established date, the budget as originally submitted by the chief administrative officer shall become the budget.

II. One or more public hearings on the budget before its final adoption. A copy of the proposal budget and notice of the public hearing shall be published at least one week in advance of any public hearing.

III. Procedures for the transfer of funds among various budgeted departments, funds, accounts and agencies as may be necessary during the year.

IV. An annual independent audit conducted by certified public accountants experienced in municipal accounting. Copies or abstracts of such audits shall be made public along with an annual report of the city's business. Nothing in this subparagraph shall prevent the elected body from requiring such other audits as it deems necessary. Audit services shall be put out to bid on a periodic basis as specified in the charter.

V. Bonding of officials, officers and employees, the cost of which shall be paid by the city.

VI. Procedures for appropriation of funds, after notice and public hearing and by a 2/3 vote, for purposes not included in the annual budget as adopted.

VII. Designation of one or more depositories of city funds by the elected body, the periodic deposit of funds and the security required for such funds. Personal surety bonds shall not be deemed proper security.

VIII. Periodic, but at least quarterly, reporting of the state of the city's finances to the public and the elected body by the chief administrative officer. The chief administrative officer, with approval of the elected body, may reduce appropriations for any item or items, except amounts required for debt and interest charges or other legally-required expenditures, to such a degree as may be necessary to keep total expenditures with total anticipated revenues.

IX. Establishment of a fiscal control function, including pre-audit of all authorized claims against the city before payment. The head of such need not be a resident of the city or the state at the time of selection, shall not be treasurer, and shall be chosen solely on the basis of executive and administrative qualifications and actual experience in and knowledge of accepted practices in respect to the duties of municipal fiscal management.

49-C:24 Borrowing Procedure. Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the elected body, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance by the city of other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created by such borrowing. Borrowing for a term exceeding one year shall be authorized by the elected body only after a duly advertised public hearing.

49-C:25 Special Assessment Resolution. The elected body shall have the power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost shall be paid by special assessments, and what portion, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

49-C:26 Procedure Fixed By Ordinances. The elected body shall prescribe by general ordinance complete special assessment procedures concerning plans and specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

Transition Provisions

49-C:27 Employees When Charter Adopted. No employee of the city at the time this charter is adopted shall be required to take any examination in order to continue within the employment of the city. All other provisions of the merit plan will apply to such employees. The incumbents when this charter takes effect who are not elected by popular vote, of all municipal offices not hereby abolished or superseded shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinances.

49-C:28 Oath of Office. Every person elected or appointed to any city office before entering upon the duties of his office shall take and subscribe to an oath of office, as provided by law, which shall be filed and kept in the office of the city clerk.

49-C:29 Notice of Election or Appointment. Written notice of election or appointment of any city officer shall be mailed to him at his address by the city clerk within 48 hours after the appointment is made or the vote canvassed. If, within 10 days from the date of the notice, such officer shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall be deemed vacant, unless the elected body shall extend the time in which such officer may qualify.

49-C:30 Liability for Discharge. The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right or action for breach of contract.

49-C:31 Violations. Any person who violates any provisions of the charter, unless otherwise provided, or violates any city ordinance for which no other punishment is provided, shall be guilty of a misdemeanor and, notwithstanding RSA 651:2, be fined not more than \$500 or imprisoned not more than 90 days, or both.

49-C:32 Public Records. All records of the city shall be public in accordance with RSA 91-A.

49-C:33 Optional Provisions; Limitations.

I. City charters may include provisions relating to any or all of the following matters:

(a) Referendum procedures whereby voters may petition to suspend implementation of an ordinance, except budget adoption and land use regulation ordinances, enacted by the elected body, require a reconsideration by the body and, failing satisfactory reconsideration, require a referendum on approval.

(b) Initiative procedures whereby voters may initiate ordinances by petition, require consideration of the petitioned ordinance by the elected body and, failing satisfactory consideration, require a referendum to enact the ordinance.

(c) Conflicts of interest so long as any provisions adopted are at least as stringent as the state general laws relative to conflicts of interest.

II. Any election pursuant to initiative and referendum procedures shall be held within 60 days after certification of a valid petition or at the next regular municipal election, whichever is earlier.

49-C:34 Saving Clause. So much of the previous charter of the city and of laws passed in amendment or supplementary to the charter, as now may be in force, relative to the constitution and bounds of its several wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, to its water works, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this charter. All special legislation relative to the government of the city, not expressly saved, is hereby repealed. All general laws relative to the government of cities shall remain in force in the city so far as consistent with this chapter. Existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this chapter, but are hereby annulled so far as inconsistent with this chapter. In all existing laws, ordinances and regulations hereby saved, references to the city councils, board of mayor and aldermen, board of public works, or other bodies or officers hereby abolished and superseded, or to bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by the charter or by the administrative code.

CHAPTER 49-D LOCAL OPTION-TOWN CHARTERS

49-D:1 Purpose and Intent. It is the purpose of this chapter to implement the home rule powers recognized by part 1, article 39 of the constitution of the state of New Hampshire by providing an outline of optional forms of town government which may be adopted by any municipality pursuant to the process and restrictions set forth in RSA 49-B. It is the intent of the general court to recognize that while the pressures of growth, demand for services and complexity of governmental issues may compel citizens to consider alternative forms of governance of towns, which forms have the same or similar structural appearance and powers traditionally found in cities, that the

preservation of a community's unique sociological and cultural heritage and history as a town be encouraged by the provision of the optional forms of town government described in this chapter.

49-D:2 Town Council - Town Manager.

I. As distinguished from adopting a city form of government described in RSA 49-C, a town may adopt a charter pursuant to RSA 49-B which abolishes the open town meeting and vests all legislative authority in a town council as the elected body or, in the alternative, vests authority to make appropriations in a budgetary town meeting. A charter establishing this form may reserve authority by the voters, at a referendum, over amendments to land use ordinances pursuant to RSA 675 and approval of bond issues consistent with RSA 33.

II. A charter establishing this form of government shall:

(a) Establish a legislative body as described in RSA 49-D:3.

(b) Provide for either the direct election by the voters or the selection by the elected body of a chair of the elected body and prescribe the term of office, powers and duties and other matters relative to the position.

(c) Provide for the appointment by the town council of a chief administrative officer to be called a town manager or similar title. This position shall head the administrative services of the town and shall be selected on the same basis, possess the same qualifications, be vested with the same authority, be charged with the responsibility and enjoy similar job security as town managers under RSA 37.

49-D:3 Optional Forms of Legislative Body. Town charters adopted under RSA 49-B and patterned as prescribed by this chapter may adopt a charter providing for one of the following types of legislative bodies:

I. Town council shall be an elected body which serves as the legislative and governing body of the town. Any charter providing for a town council shall be guided by the following:

(a) Notwithstanding any other provision of law, if a town should adopt a charter which provides for a town council form of government and no other form of legislative body, all powers and duties of selectmen, city councils and boards of aldermen, conferred by statute or the constitution shall be conferred on the town council. The town council shall be empowered also to address all matters that general law requires to be addressed at the annual or a special meeting of a town, except those matters which by statute or charter must be placed upon the official ballot of the town. All procedural requirements prescribed by law relative to the actions of a city shall also apply to the actions of a town council.

(b) The charter shall provide for up to 15 members of the town council with an odd number chosen unless the vote of the chair is reserved for the purpose of breaking ties.

(c) Councilors may be elected for coterminous terms or terms may be staggered to assure continuity of experience and familiarity with issues, laws and procedures.

(d) Using the guidelines established in RSA 49-C, the charter shall specify at-large or district representation or a combination thereof; the manner of filling vacancies; powers of nomination, appointment and confirmation; requirements for attendance and quorum; any residency or eligibility requirements of up to one year in the town or district and continued residency during a term; specific procedures for the preparation, presentation, public hearing and adoption of annual budgets and designation of a fiscal year; an annual municipal election date pursuant to RSA 669:1; bond-

ing of certain town officials and employees where not required by general law; and requirements for periodic independent audits of all town financial matters by a certified public accountant.

(e) Other matters of local concern may be included in a charter including, but not limited to, conflict of interest provisions which shall be at least as strict as those established in the general laws, citizen powers of initiative, referendum and recall as described in RSA 49-C, and adoption and periodic review of an administrative code, a merit personnel system, a purchasing system, and a town investment policy.

II. Budgetary town meeting shall be a variation of the open town meeting but vested with the limited authority to vote on the annual town operating budget as presented by the governing body. When included in any charter the provisions of general law relative to town meeting, their warning, the right for petitioned articles at such meetings and conduct of such meetings shall apply to a budgetary town meeting in all aspects relative to the appropriation of funds, including the approval of bond issues. When a charter provides for a budgetary town meeting it shall also delineate procedures for the transfer of funds among various departments, funds, accounts and agencies as may be necessary during the year.

49-D:4 Non-Interference by the Elected Body. The elected body shall act in all matters as a body, and shall not seek individually to influence the official acts of the chief administrative officer, or any other official, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. Any member violating the provisions of this section, as determined through procedures established in the charter, shall forfeit his office.

49-D:5 Transition Provisions. Any charter adopted pursuant to this chapter may provide for the efficient and timely transition to any new form of government including, but not limited to, the holding of any necessary special elections, the phasing in of any aspect of the new form of government, expenditure authority during any transition and the integration of the remaining terms of office of any existing municipal officers as part of any new elected body established by the charter.

14 Legalization of Bonds and Notes. All bonds and notes authorized, prior to the effective date of RSA 33:8-d, by towns which have adopted town charters are hereby ratified and legalized.

15 Study Committee Continued. Amend 1988, 223:13, IV as amended by 1989, 14:1 to read as follows:

IV. The report of the committee and any recommended legislation shall be filed with the president of the senate and the speaker of the house of representatives prior to the deadline for filing legislation for the [1990] **1991** session of the general court.

16 Repeal. RSA 49-B:8-a, relative to powers of town council, is repealed.

17 Effective Date.

I. Section 15 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill revises and reinstates the provisions of RSA 49-A relative to city charters. The bill also adds a new chapter for town charters which provides an outline for optional forms of town government.

The bill makes changes in current law concerning municipal charters to accommodate the new chapters on city and town charters.

The bill also extends, for one more year, the time for the filing of a report by the municipal charter study committee.

Amendment adopted.

Ordered to third reading.

Rep. Maviglio wished to be recorded against the bill.

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

The Department of Revenue Administration has a mandate to see that real estate taxes are equitably levied in the state. HB 1248 amends RSA 21-J:11 to require the DRA to monitor all reassessment of real estate within municipalities which have been ordered by the Board of Tax and Land Appeals to reappraise. Those municipalities which employ tax assessors who have passed certification examination given by the New Hampshire Association of Assessing Officials or some other association need not be monitored unless they request it. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend RSA 21-J:11, II as inserted by section 1 of the bill by replacing it with the following:

II. When the board of tax and land appeals orders a reassessment of taxes previously assessed of all the taxable property in a city, town, or other governmental division under RSA 71-B:16, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner shall assist the municipality or the taxing district with overseeing the progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed the certification examination offered by the New Hampshire Association of Assessing Officials, or an equivalent examination offered by another recognized association of assessors. The oversight shall be at no expense to the municipality or taxing district.

AMENDED ANALYSIS

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

Amendment adopted.

Ordered to third reading.

HB 1249, relative to the approval of union contracts by the county convention and its executive committee. **REFER FOR INTERIM STUDY.**

The relationship between the responsibilities of the administrators, who in this case are the County Commissioners, and the legislators (County Delegation) in such matters as union contracts is complicated and the subject of a case before the Supreme Court. Another suit on the same issue is likely to reach the court later this year. In an earlier action, the House approved interim study for HB 190 (1989). The Committee

wishes also to study HB 1249 along with HB 190 as both bills concern the same issue. Vote 14-0. Rep. Richard A. Grodin for Municipal and County Government.

Report adopted.

HB 1189-FN, relative to reimbursement for acts which require emergency services. **OUGHT TO PASS WITH AMENDMENT.**

This is permissive legislation. It enables the state and municipalities to recoup funds expended for police, SWAT team, fire and ambulance service due to negligent actions by persons under the influence of drugs/alcohol or someone who creates a hostage situation. All collections can be effected only after the responsible person has been convicted. The court may impose "community service" in those instances where a convicted person is unable to pay. The Committee feels this bill, as amended, would clarify the process and is a step in the right direction in helping public service agencies provide cost effective service, and that the state and the municipalities would be reimbursed for the services rendered. The New Hampshire Police Chiefs Association endorses this bill and no party testified in opposition. Vote 10-2. Rep. Jeffrey M. Brown for Public Protection and Veterans Affairs.

Amendment

I Amend the title of the bill by replacing it with the following:

AN ACT

relative to reimbursement for acts which require public
agency response services.

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Reimbursement for Public Agency Response Services. Amend RSA 151-B by inserting after section 16 the following new subdivision:

Reimbursement for Public Agency Response Services

151-B:17 Statement of Intent. This subdivision is intended to provide for the recovery of expenses of a public agency response which are due to certain actions of persons which result in a public agency response. This subdivision shall not be construed to replace any other provisions of civil or criminal law relating to the recovery of such expenses.

151-B:18 Definitions. In this subdivision:

I. "Public agency" means the state or any of its political subdivisions, which provides police, firefighting, emergency medical, ambulance, or other emergency services.

II. "Response expense" means reasonable costs incurred by a public agency in making an appropriate response to an incident. This definition shall include, but not be limited to, the costs of police, firefighters, rescue and emergency medical services, including the salaries of such persons.

151-B:19 Responsibility for Public Agency Response Services.

I. A person shall be liable for response expenses if he:

(a) While under the influence of an alcoholic beverage or controlled drug, or any combination of alcoholic beverages and controlled drugs, negligently operates a motor vehicle, boat, off highway recreational vehicle, or aircraft, and thereby proximately causes any incident resulting in a public agency response; or

(b) Takes another person or persons hostage or barricades himself in a building and threatens to harm himself or another person, thereby proximately causing any incident resulting in an appropriate public agency response.

II. A person's liability under this subdivision for response expenses shall not exceed \$10,000 for any single public agency response incident.

151-B:20 Collections; Insurance. The response expense shall be a debt owed by the person responsible and shall not be paid by an insurance company. The public agency which incurred the expense may collect the debt in the same manner as in the case of an obligation under a contract, expressed or implied. Public Agency expenses may include reasonable attorney fees.

151-B:21 Admissibility in Criminal Proceedings. Any testimony, admission, or other statement made by the defendant in any civil proceeding brought pursuant to this subdivision, or any evidence derived from such proceeding, shall not be admitted or otherwise used in any criminal proceeding arising out of the same incident.

151-B:22 Court Order. When a person is sentenced for any criminal offense which resulted in a public agency response, the sentencing court may order that the person be required to pay the expenses of any public agency response or to perform up to 500 hours of uncompensated community service.

2 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill makes a person who while under the influence of alcohol or drugs negligently operates any vehicle, boat or aircraft, or who takes another person hostage or barricades himself in a building, thereby requiring public agency response services, liable for reimbursing the public agency which incurred the expense.

Amendment adopted.

Ordered to third reading.

HB 1209-FN, relative to the storage and disposal of low-level radioactive wastes. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.

MAJORITY: House Bill 1209 would require all radioactive wastes — even those declared by the Nuclear Regulatory Commission to be safe and “below regulatory concern” — to be handled and disposed of as radioactive waste. The bill could have significant long term impacts on the scientific, medical and power industries in this state and could jeopardize our ability to ship radioactive waste to out-of-state radioactive waste facilities. The majority of the Committee would therefore like to conduct a complete and thorough study on this issue over the summer and prepare legislation for introduction into the next session of the General Court. Vote 8-3. Rep. Charles C. Vogler for Majority of Science, Technology and Energy.

MINORITY: Other New England states have already taken action to maintain present standards for disposal of low level radioactive waste. If we do not take action this year, New Hampshire could become the only state in New England that could accept low level radioactive waste in its solid waste stream.

The amendment to HB 1209 addresses concerns raised by hospitals and universities in New Hampshire. This is a mitigating step to offer protection to the New Hampshire public in the face of the uncertainties regarding federal rulemaking. Rep. Jane A. Harland for the Minority of Science, Technology and Energy.

Rep. Arnesen moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority, Refer for Interim Study and spoke to her motion.

Rep. Vogler spoke against the motion.

Rep. Amanda Merrill spoke in favor of the motion.

Rep. Tyree spoke against the motion and yielded to questions.

(Speaker in the Chair)

A roll call was called for. Sufficiently seconded.

YEAS 135

NAYS 212

**YEAS 135
BELKNAP**

Golden, Paul A.
Richardson, Lawrence

Hawkins, Robert S.
Salatiello, Thomas

Maviglio, Steven R.

CARROLL

Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Hunt, John B.
Metzger, Katherine H.
Young, David A.

Cole, Kenneth A.
LaMar, David M.
Pearson, Gertrude B.

Foster, Katherine Davis
Matson, William R.
Spear, Susan

COOS

Buckley, C. Fitzgerald, III
Woodburn, Jeffrey R.

Kilbride, Dennis J.

Mayhew, Josephine

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Markley, J. Keith
Teschner, Douglass P.

Bennett, Shirley M.
Densmore, Edward D.
Nordgren, Sharon
White, Paul R.

Chambers, Mary P.
Guest, Robert H.
Stewart, Roger

HILLSBOROUGH

Baldizar, Barbara J.
Barry, William M.
Cote, David E.
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Jenkins, Mary
Kuchinski, Steve
Lown, Elizabeth
McRae, Karen
Morrisette, Roland
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Soucy, Lillian E.
Turgeon, Roland M.

Barry, Janet Gail
Biondi, Christine A.
Daigle, Robert Arthur
Dwyer, Patricia R.
Emerton, Lawrence
Gerow, Sezen M.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
King, John A.
Kurk, Neal M.
Lozeau, Donnalee
Messier, Irene M.
Murphy, Robert E.
Ouellette, Robert O.
Searles, Stanley N., Sr.
Spaloss, Henry F.
Upton, Barbara Allen

Barry, Vivian
Burkush, Peter
Desrochers, Gerard T.
Dykstra, Leona
Flood, Jacqueline J.
Goulet, Maurice E.
Haettenschwiller, A. A.
Jasper, Shawn N.
Knight, Alice Tirrell
Lachut, Ervin R.
McDowell, James E.
Moore, Elizabeth A.
Nardi, Theodora P.
Packard, Bonnie B.
Smith, Leonard A.
Toomey, Daniel
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Braiterman, Thea

Bardsley, Elizabeth S.
Dunn, Miriam

Beaton, Nancy
Hager, Elizabeth

Hall, Douglas E.
Lockwood, Robert A.
Soldati, Jennifer

Jacobson, Alf E.
Millard, Elizabeth S.
Trombly, Rick A.

Johnson, C. William
Pantzer, Eugene
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Gage, Thomas U.
Hollingworth, Beverly A.
MacKinnon, Nancy W.
McGovern, Cynthia A.
Parsons, Robert F.
Rosencrantz, James R.

Bell, Juanita
Dube, LeRoy S.
Hoar, John, Jr.
Hynes, Carolyn E.
Mace, Ada L.
Micklon, Stephanie K.
Popov, Elizabeth M.
Seward, Russell G.

Campbell, Eunice M.
Forsythe, Douglas G.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Magoon, Harold F.
Pantelakos, Laura C.
Ritzo, Eugene
Weddle, Michael Rodney

STRAFFORD

Burton, Wayne M.
Keans, Sandra Balomenos
Pelley, Janet R.
Wheeler, Katherine Wells

Dionne, Albert J.
Merrill, Amanda
Scharff, Thomas Edward
Young, John B.

Gilmore, Gary
O'Brien, John
Spencer, Leo J.

SULLIVAN

Burling, Peter Hoe

Harland, Jane A.

Stamatakis, Carol M.

NAYS 212

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.

Campbell, Richard H., Jr.
Locke, Matthew J.
Rice, Thomas, Jr.
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Cole, Stacey W.
Doucette, Richard F.
Hill, Douglas E.
Perry, David M.

Crutchley, Donald O.
Gordon, Irvin H.
Laurent, John J.
Pierce, David A.

Delano, Robert F.
Grodin, Richard A.
Morse, Jo-Ann T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Nelson, Harold D.

Burns, Harold W.
Lemire, George

Dumont, Robert E.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Christy, C. Dana
Hill, Richard L.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Dow, David
LaMott, Paul I.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Ward, Kathleen W.

HILLSBOROUGH

| | | |
|------------------------|------------------------|------------------------|
| Alukonis, David J. | Amidon, Eleanor H. | Andrews, Frederick B. |
| Bowers, Dorothy C. | Culbert, Patrick | Desrosiers, William J. |
| Dionne, Paul R. | Dodge, Emma M. | Domaingue, Jacquelyn |
| Donovan, Francis X. | Drolet, Paul L. | Dyer, Merton S. |
| Fields, Dennis H. | Foote, Herbert N., Sr. | Ford, Nancy M. |
| Gagnon, Gabrielle V. | Grip, Robert H. | Harlan, Susan N. |
| Holden, Carol H. | Hultgren, David D. | Hunter, Bruce F. |
| Jean, Romeo W. | Johnson, Lionel W. | Keefe, Edmund M. |
| Kelley, Robert N. | Klose, John F. | Kress, Gloria W. |
| Lawrence, Eva M. | Lawrence, Norman B. | Leclerc, Charles J. |
| Lefebvre, Roland J. | Mason, Howard F. | McCann, Bonnie Lou |
| McNerney, Daniel P. | Pappas, Toni | Paquette, Rodolphe G. |
| Pepino, Leo P. | Perham, Lester R. | Prestipino, Bartolo V. |
| Provost, Gilles R. | Record, Alice Barnard | Riley, Frances L. |
| Robinson, Ellen-Ann | Rodgers, G. Philip | Sallada, Roland A. |
| Schneiderat, Catherine | Stiles, Walter A. | Tarpley, Nancy L. |
| Tyree, Paul M. | Vanderlosk, Stanley R. | Wheeler, David K. |
| Wright, George W. | Young, Willard N. | |

MERRIMACK

| | | |
|---------------------|----------------------|----------------------|
| Asplund, Bronwyn L. | Barberia, Richard A. | Bennett, J. Allen |
| Boucher, Laurent J. | Carter, Susan D. | Daneault, Gabriel |
| Fair, Patricia A. | Fillion, Paul R. | Fraser, Leo W., Jr. |
| Gilbreth, Robert M. | Gross, Caroline L. | Hill, Michael |
| Holmes, Mary C. | Kidder, William F. | Nichols, Avis B. |
| Pfaff, Terence R. | Phelps, James D. | Provencal, Leo A. |
| Shaw, Randall F. | Smith, Gerald R. | Stio, Peter M. |
| Teague, Bert | West, George M. | Whittemore, James A. |

ROCKINGHAM

| | | |
|-------------------------|---------------------------|------------------------|
| Benton, Richardson D. | Boucher, William Paul | Brown, Jeffrey M. |
| Brown, Lewis W. | Buco, Stephen | Campbell, Marilyn R. |
| Chase, Lawrence A., Jr. | Conroy, Janet M. | Cooke, Annette M. |
| Cote, Patricia L. | Felch, Charles H., Sr. | Fesh, Robert M. |
| Flanagan, Natalie S. | Flanders, Harry E. | Flanders, John W., Sr. |
| Ford, Bert H. | Gage, Beverly A. | Gourdeau, Raymond H. |
| Greene, Elizabeth A. | Haynes, Richard L. | Johnson, Robert A. |
| Kane, Cecelia D. | Katsakiores, George N. | King, Roger C. |
| Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr. | Lovejoy, Virginia K. |
| MacDonald, Joseph A. | MacDonald, Maurice B. | Malcolm, Kenneth W. |
| McCain, William F. | McCarthy, John James, Jr. | McKinney, Betsy |
| Palazzo, Frank J., Sr. | Parr, Ednapearl F. | Raynowska, Bernard J. |
| Roulston, Donald L. | Senter, Marilyn P. | Sherburne, John L. |
| Skinner, Patricia M. | Sochalski, Matthew M. | Splaine, John E., Sr. |
| Stachowske, Vicki | Sytek, Donna | Tufts, J. Arthur |
| Vartanian, Elsie | Vaughn, Charles L. | Warburton, Calvin |
| Welch, David A. | Weyler, Kenneth L. | Wright, David B. |

STRAFFORD

Appleby, James E.
Brown, Julie M.
Foss, Patricia H.
Martling, W. Kent
Stewart, Glenn W.
Tsiros, William

Bernard, Mary E.
Flynn, Anita A.
Frechette, Roland A.
Musler, George T.
Swope, Warren L.
Vincent, Francis C.

Bickford, Drucilla
Flynn, Edward J.
Kinney, Paula J.
Parks, Joe B.
Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.,
and the substitute motion lost.
Report adopted.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

HB 1092-FN, relative to equity sharing in low and moderate income housing.
OUGHT TO PASS WITH AMENDMENT.

Home equity is not a new concept. This bill involves a housing program of great interest to many of our state's older citizens, specifically a Reverse Annuity Mortgage or Home Equity Conversion Loan Program. This program is intended to provide a means for older people who are in need of funds — perhaps for medical or living expenses — to access the equity in their homes while still living in the property and retaining ownership. Essentially, funds loaned against the equity in a property are due and payable when the house is vacated or sold. This bill is extremely necessary so that the New Hampshire Housing Finance Authority may move forward to establish a Home Equity Conversion Program to support the needs of our older citizens. Vote 16-0. Rep. Ednapearl F. Parr for State Institutions and Housing.

Amendment

Amend the bill by replacing it with the following:

AN ACT

relative to equity sharing in low and moderate
income housing and reverse equity loans.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Reverse Equity Loans. Amend RSA 204-C:8 by inserting after paragraph XXVI-a the following new paragraph:

XXVI-b. Make loans, on such terms and conditions as the authority may determine, by issuance of bonds or otherwise, secured by homes owned by the elderly without regard to any other requirements of this chapter relating to the making or purchasing of loans or mortgage loans if the authority finds that such financing would result in a public benefit; and

4 Application to Existing Loans. The New Hampshire housing finance authority is authorized to adjust the terms and conditions of all loans made under RSA 204-C:64 prior to the effective date of this act so that such terms and conditions will comply with the provisions of section 1 of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill limits equity sharing by the New Hampshire housing finance authority on low and moderate income housing to profits made on a sale of the property if sold within the first 5 years after origination of the loan.

The bill allows the housing finance authority to adjust the terms and conditions of loans made before the effective date of this act under RSA 204-C:64, so that those loans will be in accord with the new limits of equity sharing.

The bill also allows the authority to make loans secured by homes owned by the elderly.

Amendment adopted.

Ordered to third reading.

HB 1165, relative to permitting housing discounts to senior citizens. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: The need for this legislation was not clearly established in testimony. In addition, the proposal appears to conflict with existing state law prohibiting discrimination based on age. Vote 12-2. Rep. Michael Hill for the Majority of State Institutions and Housing.

MINORITY: The minority feels this bill was intended to avoid discrimination lawsuits against landlords who offer discounts to citizens more than 50 years of age. The majority feels such legislation is moot and that such discounts can now be provided. The minority statement exists in order to clarify that discounts can be given. Reps. Michael R. Weddle and Gloria W. Kress for the Minority of State Institutions and Housing.

Resolution adopted.

HB 1333-FN, relative to studying and reviewing the New Hampshire housing finance authority. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: The Committee's majority felt that the supporters of the bill did not present sufficient hard data to warrant a one-time study of the New Hampshire Housing Finance Authority. Also, a study committee cannot resolve complaints about particular issues. This rejection of the bill does not preclude the General Court from establishing a permanent monitoring mechanism for this organization at some later date. Vote 8-4. Rep. Scott E. Green for the Majority of State Institutions and Housing.

MINORITY: The bill's sponsor felt there was a serious problem out there. A constituent had brought a problem to the sponsor as a "whistleblower's complaint" and the Committee did not or would not react to this complaint. It is perhaps time we all started to listen to some of the "whistleblower" constituents who, after all, vote for all of us. Rep. Lowell D. Apple for the Minority of State Institutions and Housing.

Resolution adopted.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT.

The bill as a whole was adequately discussed and was found to meet all requirements for allowing Group I employees to purchase credit for out-of-state service in the New Hampshire Retirement System as was done last year for the teachers. Vote 14-0. Rep. Lawrence Richardson for Executive Departments and Administration.

Amendment**AN ACT**

allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and authorizing certain organizations to participate in the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Credit for Out-of-State Service. RSA 100-A:4-b is repealed and reenacted to read as follows:

100-A:4-b Credit for Out-of-State Service.

I. Notwithstanding any provision of RSA 100-A to the contrary, any group I employee or teacher member of the New Hampshire retirement system, in service on or after June 30, 1990, who was formerly a member of a public employees' retirement system outside of New Hampshire, shall be allowed to purchase credit for such out-of-state service as creditable service in the New Hampshire retirement system under the following conditions:

(a) The member has terminated employment and active membership in the out-of-state system and, within 18 months thereafter, has become a group I member of the New Hampshire retirement system; and

(b) The member applies for out-of-state credit, on a form designated by the board, within 5 years after becoming a member of the New Hampshire retirement system or before July 1, 1995, whichever is later; and

(c) The member provides such information and certification from the out-of-state employer and out-of-state retirement system as the board may require; and

(d) The member pays to the New Hampshire retirement system the full cost for buy-in of creditable service as provided in RSA 100-A:3, VI(b), plus prepayment of any actuarial calculation fee as determined by the board; and

(e) The amount of creditable service purchased shall be either the full length of service rendered in the other system or a pro-rata portion of such service purchasable with the maximum amount which the member is permitted to withdraw from the other system; and

(f) In no case shall the creditable service purchased exceed the service time rendered in the out-of-state system, or include any service period for which the member remains eligible for benefits in the out-of-state system.

II. Upon certification by the New Hampshire retirement system of eligibility for out-of-state service credit, and upon payment by the member of the cost of such credit, and with the approval of the board of trustees, the member shall receive credit for such out-of-state service.

III. In no case shall out-of-state service purchased as creditable service in the New Hampshire retirement system under the provisions of this section be deemed to be creditable state service for the purposes of eligibility for medical benefits after retirement under the provisions of RSA 21-I:30.

2 New Subparagraph; Participation in the New Hampshire Retirement System. Amend RSA 100-A:29, II by inserting after subparagraph (k) the following new subparagraphs:

(l) The Spaulding Youth Center and the Spaulding Youth Center Foundation.

(m) The Carroll County Retired Senior Volunteer Program.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill allows every group I member who transferred into the New Hampshire retirement system on or after June 30, 1990, as an active member of another state's retirement system to purchase his out-of-state service as creditable service in the New Hampshire retirement system if the member meets certain requirements.

The bill also permits the Spaulding Youth Center and the Spaulding Youth Center Foundation, and the Carroll County Retired Senior Volunteer Program to participate in the New Hampshire retirement system.

Amendment adopted.

Referred to Appropriations.

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 14 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1193-FN, relative to wage withholding.

HCR 18, urging a statewide conference on families.

HB 1025, relative to limited liability for volunteers.

HB 1384, relative to use of genetic test results as evidence in paternity proceedings.

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett.

HB 1100, relative to the time for submitting proposed zoning ordinance amendments to the town clerk.

HB 1262, relative to recording of ancient plats.

HB 1102-FN, relative to Route 16 in Conway.

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex.

SJR 1, naming the Kenneth M. Tarr Health Care Facilities.

HB 1258-FN, establishing a New Hampshire clean lakes program.

HB 1324-FN, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin.

HB 1432-FN, relative to the New Hampshire rivers management and protection program.

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility.

HB 1344, relative to least cost planning by electric utilities.

HB 1364, relative to energy conservation standards in new building construction.

HB 1046, relative to the declaration of purpose for the planning and zoning laws.

HB 1137, relative to condominium law.

HB 1429, relative to excavation, quarrying, and mining.

HBI 2011, relating to mining.

HB 1424-FN, regulating abortions.

HB 1244, relative to municipal charters and to extending the time for the filing of a report by the municipal charter study committee.

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration.

HB 1189-FN, relative to reimbursement for acts which require public agency response services.

HB 1092-FN, relative to equity sharing in low and moderate income housing and reverse equity loans.

RECONSIDERATION

Having voted with the prevailing side, Rep. Burling moved that the House reconsider its actions whereby it passed HB 1424, regulating abortions, and killed HB 1423, declaring that life begins at conception and HB 1425-FN, prohibiting public funds, employees and facilities to assist or perform abortions, and asked the House to vote no.

Reconsideration lost.

SUSPENSION OF RULES

Rep. Hager moved that the Rules be so far suspended as to permit the Committee on Appropriations to hold a public hearing on HB 1310, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and authorizing certain organizations to participate in the New Hampshire retirement system, without the proper notice.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 5:20 p.m.

HOUSE JOURNAL No. 12

Wednesday, February 14, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend Steve Murray, St. Matthew's United Methodist Church of Sandown, guest of Rep. Wells.

Almighty and eternal God, Creator of all that is, and was, and is to come; Redeemer of all souls, Sustainer of all life, we invoke Your blessing upon each one of us here today. For we have come together here from far and wide, representing every corner of our beautiful state, to offer our gifts and talents, our ideas and opinions, for the benefit of all those whom we represent. As each man and woman here considers, discusses and votes upon all that will come before them, we pray that they may be given a portion of Your eternal wisdom, that in all that is done today, the causes of justice and freedom may be served. We pray that You would give us the strength to evaluate wisely, disagree lovingly and to decide judiciously, the affairs of our state. May we forever have an eye to the future, realizing that the course of action we set in these days will determine the quality of life for our children, and our children's children. Help us to be good stewards of this wonderful land which You have given us, that it's pristine beauty may be preserved for generations to come. But Lord, let us also not neglect our financial and economic stewardship, that our future may be bright with the hope of job opportunity and economic security, such that our children may be free to pursue the dream of a home, a family, and the necessities of life. Most of all Lord, as we work together here today, keep us from the temptation of self interest, that all that we do may truly be for the benefit and the betterment of all those whose lives we affect. In Your name we pray. Amen.

Rep. LeRoy Dube led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Drabinowicz, Eaton, Kincaid, Sanderson, William McCann, Pratt, Ralph Torr, Stiles, Wall and Wihby, the day, illness.

Reps. Avery, Beaupre, Biondi, Lionel Boucher, Bourque, Brady, Buco, Callaghan, Paul Dionne, A. Gibb Dodge, Doucette, Drake, Guest, Gourdeau, Richard Hill, Kane, Roger King, Klose, Kress, Lachance, Musler, Pantelakos, Pierce, Rheault, Roulston, Schmidtchen, Simon, Splaine, Stachowske, Stamatakis, Steiner, Toomey and Tyree, the day, important business.

Reps. Hayes, Kelley and Wells, the day, death in family.

INTRODUCTION OF GUESTS

Donna McCain, Wiley and Helen MacIvor, wife and guests of Rep. William McCain; Marion Parsons and Joy Gilbert, wife and daughter of Rep. Robert Parsons.

SENATE MESSAGES

REQUESTS CONCURRENCE

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

SB 344-FN, relative to the appointment of the director of water supply and pollution control.

SB 358, modifying the subdivision approval process for minor subdivisions.

SB 373-FN-A, relative to compulsory school attendance and to home education.

SB 379-FN, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor.

SB 391-FN, relative to confidential communications between certain victims and counselors.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 343, 344, 358, 373, 379, 384 and 391 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system. (Executive Departments and Administration)

SB 344-FN, relative to the appointment of the director of water supply and pollution control. (Executive Departments and Administration)

SB 358, modifying the subdivision approval process for minor subdivisions. (Municipal and County Government)

SB 373-FN-A, relative to compulsory school attendance and to home education. (Education)

SB 379-FN, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership. (Commerce, Small Business and Consumer Affairs)

SB 384-FN-A, relative to medical examiners and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 391-FN, relative to confidential communications between certain victims and counselors. (Judiciary)

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1312, relative to employee prescription drug benefits and health care centers, was removed at the request of Rep. Kurk.

HB 1362, relative to penalties for DWI offenses, was removed at the request of Rep. Spencer.

Adopted.

HB 1014-FN-A, relative to facilities licensed under RSA 151. **INEXPEDIENT TO LEGISLATE**.

There are no funds available for this legislation. However current law provides for the Department of Public Health to enforce violations. In addition, the Board of Registration in Medicine through administrative rules has the ability to enforce, through discipline, a doctor who recommends an unlicensed facility. Vote 17-0. Rep. Kathleen W. Ward for Appropriations.

HB 1024-FN-A, making an appropriation to hire a consultant to evaluate the foundation aid formula. (A) INEXPEDIENT TO LEGISLATE.

The Committee concurs with the intent of this bill. It is timely to study and review the foundation aid formula. However, the Committee cannot support using Sweepstakes funds for this purpose which would be contrary to state statute. Nor can we support a \$50,000 appropriation from General Funds being used to hire a consultant at this time. Vote 17-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 1027-FN, establishing a black bear management program and requiring a special bear license. (A) OUGHT TO PASS WITH AMENDMENT.

Establishes a black bear management program to give the Fish and Game Department a good handle on controlling the bear population. It is self-funded through a \$5 bear tag fee. Vote 20-0. Rep. Laurent J. Boucher for Appropriations.

Amendment

Amend RSA 208:24, II as inserted by section 1 of the bill by replacing it with the following:

II. No person shall take wild black bears in this state without first procuring a special bear license in addition to the applicable license to hunt issued pursuant to RSA 214:9 or 208:5. The cost of said special bear license shall be \$5.

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor. (A) OUGHT TO PASS.

The bill establishes a committee to study proper methods of conserving and restoring flags displayed in the hall of flags. Committee members will be paid legislative mileage for meetings attended, with said sums to be paid from Senate and House travel appropriations. Vote 12-0. Rep. Howard C. Townsend for Appropriations.

HB 1080-FN-A, making a supplemental appropriation for the board of tax and land appeals. INEXPEDIENT TO LEGISLATE.

This bill was taken care of in the budget. Therefore, it is not needed and the Board of Tax and Land Appeals agreed. Vote 12-0. Rep. Lee Anne S. Steiner for Appropriations.

HB 1162-A, relative to the railroad banking program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, transfers unexpended bond authorizations to the Commissioner, Department of Transportation for use of purchasing rail properties per RSA 228:54. Balance provided is \$1 million. Vote 20-0. Rep. Ralph W. Pearson for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the railroad banking program.

Amend the bill by replacing all after section 1 with the following:

2 Transfer of Funds.

I. Notwithstanding any other provision of law, the following unused bond authorization balances shall be transferred to the commissioner of the department of transportation:

(a) \$460,000 from moneys appropriated for 1985, 350:4, I.

(b) \$367,500 from moneys appropriated for 1985, 350:4, IV.

(c) \$275,875 from moneys appropriated for 1988, 154:1, I.

II. The commissioner shall expend these funds on the purchase of rail properties as defined by RSA 228:54, VIII including, but not limited to, abandoned railroad rights-of-way under RSA 228:60-a. This transfer shall be nonlapsing and shall not be subject to any of the restrictions imposed upon the original appropriations.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill transfers certain unused bond authorization balances to the department of transportation for the purchase of rail properties.

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor. (A) OUGHT TO PASS.

This bill creates the New Hampshire Heritage Trust Fund for the purchase of historical artifacts of New Hampshire and establishes an advisory board. Vote 12-0. Rep. Robert G. Holbrook for Appropriations.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, authorizes a revolving fund within the Department of Environmental Services not to exceed \$20,000. The fund enables the Department to print publications in the area of education and training which are aimed at assisting municipalities and regional agencies. Any funds in excess of \$20,000 at the end of each fiscal year shall be deposited in the general fund as unrestricted revenue. Vote 20-0. Rep. Robert A. Johnson for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Revolving Fund in Department of Environmental Services. Amend RSA 21-O by inserting after section 1 the following new section:

21-O:1-a Revolving Funds.

1. In order to enhance its ability to provide education and training assistance to municipalities and regional agencies, the following nonlapsing revolving funds, which shall not exceed \$20,000 on June 30 of each year, shall be established in the department of environmental services:

(a) A revolving fund known as the publications revolving fund.

(1) The moneys in this fund shall be used for the purposes of printing materials for distribution. A reasonable charge shall be established for each copy of a document. This charge shall be only in the amount necessary to pay the cost of producing such document.

(2) The amount in the nonlapsing publications revolving fund shall not exceed \$20,000 on June 30 of each year, and any amounts in excess of \$20,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue.

(b) A revolving fund known as the municipal and regional training fund.

(1) The moneys in this fund shall be used for the purpose of providing training to local and regional officials. A reasonable charge shall be established for such training. This charge shall be fixed to reflect the cost of payments to experts to provide the training, the cost of written training material, rental of facilities, advertising and other associated costs. Such training shall be conducted in a geographically dispersed manner and scheduled with the convenience of part-time officials in mind.

(2) The amount in the nonlapsing municipal and regional training revolving fund shall not exceed \$20,000 on June 30 of each year and any amounts in excess of \$20,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue.

II. The department of environmental services shall first request the department of corrections to perform the printing functions required under paragraph I. If the department of corrections is unable to print the materials required for distribution under paragraph I, the department of environmental services may then request any other state-owned printing facility to perform this function, and if all other state-owned printing facilities are unable to perform this request, the department of environmental services may then request public bids from privately owned printing facilities to print the materials.

AMENDED ANALYSIS

This bill establishes a revolving fund in the department of environmental services. The purpose of the fund is to provide education and training assistance to municipalities and regional agencies. The nonlapsing revolving funds shall not exceed \$20,000 on June 30 of each year. Any amounts in excess of \$20,000 are deposited in the general fund as unrestricted revenue.

The department of environmental services is required to request the following bodies in the following order of descending priority to print the materials required by its publications and municipal and regional training funds:

- (1) The department of corrections.
- (2) Other state-owned printing facilities.
- (3) Privately owned printing facilities.

HB 1278-FN, relative to senior assistant attorneys general. (A) OUGHT TO PASS.

The Attorney General requested the bill in order to reorganize his department. There are now eight Senior Assistant Attorneys General and the bill would allow the number to be increased to 13. He believes this will help to retain Assistant Attorneys General longer as the current organization is too often used as a training ground for young attorneys. They stay a short time and then leave for greener pastures. Vote 12-0. Rep. Stacey W. Cole for Appropriations.

HB 1295-FN-A, appropriating oil overcharge funds. OUGHT TO PASS WITH AMENDMENT.

Testimony was given at the hearing which indicated the need for additional funds for the Weatherization Assistance Program and the low income Home Energy Assistance Program. Vote 12-0. Rep. Janet R. Pelley for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Explanation and Purpose. The following is an explanation of each appropriation made in sections 2 and 3 of this act:

I. The units of local government program - technical assistance phase gives grants to counties and municipal government entities for 100 percent of the cost of performing engineering quality energy audits which recommend specific energy conservation measures (ECM's). The ECM's may later qualify for partial funding under the ECM phase of this program. The program was first approved by the governor and council in March of 1987 utilizing \$500,000 of EXXON oil overcharge funds. The entire allocation has been exhausted. Demand is expected to remain high for the foreseeable future.

II. Outreach activities conducted under the state energy conservation program (SECP) form the background of the governor's energy office's public awareness campaign. The governor's energy office funds radio and television advertisements, exhibitions at several of the state's fairs, printing of informative publications and conducting of educational and informational programs such as the recycling poster contest.

III. The state government program was initiated in 1989 to build awareness of and improve the energy efficiency of state government facilities and operations. The initial phase of the program focuses on data collection in an effort to devise a system to accurately monitor the energy use within the state government while the second phase will concentrate on improving the efficiency of energy use. This appropriation will permit the governor's energy office to carry the program into the second year.

IV. The governor's energy office program, administration and management, allows the governor's energy office to conduct the programs funded by this act.

V. This program is one of 2 appropriate technology programs which are designed to encourage and support innovative energy conservation programs. The transportation program has provided grants to the Concord Areas Transit (CAT) system, the Greater Nashua Transportation system, and the state department of transportation. Special recognition in this appropriation shall be granted to transportation programs fulfilling the needs of the elderly and other constituents of community action programs within the state. These funds will supplement the second cycle underway in late 1989 which is funded at \$411,380.

VI. The weatherization assistance program provides funds to weatherize the homes of the income eligible. The program has been funded by federal appropriations with supplements of between 20 and 25 percent of oil overcharge funds.

VII. The low income home energy assistance program provides fuel to the income eligible with about 15 percent traditionally being used to supplement the weatherization program under more permissive rules. Due to federal funding cuts, this supplement has not been possible in the last 2 funding cycles with the consequence that some home repairs and other necessary complements to the weatherization program have not been performed. This funding will restore that process and will be available for direct fuel assistance should the need materialize. The legislature intends that this appropriation shall be used as a first priority for the low income home energy assistance program and, if necessary, the appropriation made in section 3, I of this act may be used for this purpose.

2 Appropriations; Governor's Energy Office. The following sums are hereby appropriated to the governor's energy office, for the biennium ending June 30, 1991, to be used for the following programs:

| Program | Amount |
|---|-----------|
| I. Units of local government program, technical assistance phase | \$150,000 |
| II. State energy conservation program | \$100,000 |
| III. State government program | \$ 15,000 |
| IV. Governor's energy office program, administration and management | \$ 42,000 |
| V. Appropriate technology for transportation program | \$100,000 |

Said appropriations shall be nonlapsing and shall be a charge against the New Stripper Well Oil Overcharge Fund in the state treasury.

3 Appropriations; Division of Human Resources. The following sums are hereby appropriated to the division of human resources, office of the governor, for the biennium ending June 30, 1991, to be used for the following programs:

| Programs | Amount |
|----------|--------|
|----------|--------|

| | |
|--------------------------------------|--------------|
| I. Weatherization assistance program | \$288,111.09 |
|--------------------------------------|--------------|

| | |
|---|--------------|
| II. Low income home energy assistance program | \$429,457.26 |
|---|--------------|

Said appropriations shall be nonlapsing and shall be a charge against the New Stripper Well Oil Overcharge Fund in the state treasury.

4 Program Expanded. The comprehensive energy emergency planning program within the governor's energy office shall hereafter be known as the comprehensive energy planning program. This name change is necessary to authorize expenditure of moneys appropriated to such program in the 1989 legislative session for energy planning beyond those specifically required for energy emergency response purposes.

5 Effective Date. This act shall take effect upon its passage.

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor. **OUGHT TO PASS.**

This bill establishes the position of Actuary in the Insurance Department and increases the salary grade of the Deputy Commissioner from Group N to Group P. No General Funds are involved. Vote 12-0. Rep. Philip H. Weymouth for Appropriations.

HB 1350-A, increasing the appropriation for constructing regional vocational education centers. **OUGHT TO PASS WITH AMENDMENT.**

This bill increases the existing bonded appropriation for construction of regional vocational education centers by \$15.4 million to allow construction of planned vocational-educational centers in Hudson, Newport and Claremont. Construction of these centers will nearly complete a 20-year regional vocational-education construction program of great value to the New Hampshire education system and economy. The amendment changes the effective date to be upon passage. Vote 20-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

HB 1376-FN-A, relative to a public water rights report and advisory committee and making an appropriation therefor. (A) **OUGHT TO PASS WITH AMENDMENT.**

As amended, HB 1376 establishes a public water rights advisory committee and requires the Commissioner, Department of Environmental Services, to make a report to the General Court by December 31, 1990; and removes a \$40,000 general fund appropriation to support preparation of the report. Vote 20-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a public water rights report and
advisory committee.

Amend the bill by deleting section 5 and renumbering section 6 to read as 5.

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to make a report to the general court on issues surrounding public water rights. The bill establishes a public water rights advisory committee to advise the commissioner in preparing this report.

HB 1405-FN-A, relative to sludge and septage management programs and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

As amended this bill transfers the sludge and septage management programs from the Division of Solid Waste Management to the Division of Water Supply and Pollution Control and removes a \$79,000 general fund appropriation for two new positions to staff the Department of Environmental Services program Vote 17-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sludge and septage management programs.

Amend RSA 485-A:4, XVI-a as inserted by section 11 to read as follows:

XVI-a. To regulate the removal, transportation, and disposal of septage and sludge through administration of a permit system. As a condition of any permit issued under this chapter, the division may require payment of a reasonable fee, established by rules adopted under RSA 485-A:6, X-a. Funds collected under this paragraph shall be deposited with the treasurer as unrestricted revenue.

Amend the bill by replacing all after section 14 with the following:

15 Sludge Disposal System Fee. Amend RSA 485-A:30 to read as follows:

485-A:30 Fees. Any person submitting plans and specifications for a subdivision of land shall pay to the division a fee of [\$75] **\$80** per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee of [\$75] **\$80** for each system. Said fee shall be for reviewing such plans and specifications and making site inspections. The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the treasurer as unrestricted revenue. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

16 Repeal. The following are repealed:

I. RSA 21-O:9, I(j), relative to the septage hauler representative to the waste management council.

II. RSA 149-M:1, XVIII, relative to the definition of septage.

III. RSA 149-M:3, IX, relative to septage removal, transportation, and disposal authority of the division of waste management.

IV. RSA 149-M:12, I-b, relative to enforcement orders on access to approved septage facilities.

17 Section Heading Amended. Amend the section heading of RSA 485-A:22 to read as follows:

485-A:22 Penalties and Other Relief; *Failure to Provide Facility*.

18 Permits. Valid permits for septage haulers and septage and sludge facilities issued under RSA 149-M shall remain in effect until rules are adopted under RSA 485-A:6, XI. Such rules shall address the continued operation of existing facilities.

19 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill transfers the sludge and septage management programs from the division of waste management to the division of water supply and pollution control.

HB 1409-FN, relative to workers' compensation and making an appropriation therefor. (A) OUGHT TO PASS.

Strong support for this rewriting of the workers' compensation law to bring fairness to all parties involved with workers' compensation. Funded by the insurance industry. Vote 15-0. Rep. Robert G. Holbrook for Appropriations.

HB 1117, relative to children attending camp facilities. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, authorizes physicians, licensed advanced nurse practitioners and physician assistants to conduct physical examinations required before a child may enter a recreational camp. Vote 16-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 485-A:25-a as inserted by section 1 of the bill by replacing it with the following:

485-A:25-a Statement of Health for Recreational Camps. Notwithstanding any law or rule to the contrary, any physical examination which is required before a child may enter a recreational camp may be conducted by a physician, a licensed advanced nurse practitioner or a physician assistant.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 1247, relative to criminal laws regarding children. INEXPEDIENT TO LEGISLATE.

This bill is intended to recodify crimes relative to children as victims or offenders. In essence it changes or eliminates certain RSAs, perhaps to a detriment. Without any clarification from the sponsor and only one public comment it was felt the bill is too nebulous to be enacted. Vote 17-0. Rep. Stanley N. Searles for Children, Youth and Juvenile Justice.

HB 1340-FN, relative to proof of age requirements for rental of video cassettes and admission to movies. INEXPEDIENT TO LEGISLATE.

The Committee felt that this bill was unnecessary as most video establishments have requirements for rentals that address this issue. All other issues should be addressed by the parents involved. Vote 16-0. Rep. Janet G. Barry for Children, Youth and Juvenile Justice.

HB 1386-FN, relative to child support enforcement. OUGHT TO PASS WITH AMENDMENT.

This bill makes various changes in laws relative to child support enforcement, including allowing for the collection of child support orders made in domestic violence cases. It also requires that parents provide their Social Security numbers upon

the birth of the child, with certain exceptions. Vote 16-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 126:6, IX(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Willful refusal of a parent to provide a social security number pursuant to subparagraph (a) or (b) shall not be grounds for refusal to issue a birth certificate to the child. Documentation of such refusal shall be made on the forms used by the bureau of vital records and health statistics to collect information for birth certificates.

Amend the introductory paragraph of RSA 173-B:1 I-a, II as inserted by section 7 of the bill by replacing it with the following:

II. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children, including but not limited to actions for divorce, pursuant to RSA 458; custody, pursuant to RSA 458; paternity, pursuant to RSA 168-A; child support, pursuant to RSA 161-B, RSA 161-C and RSA 458; reimbursement of public assistance, pursuant to RSA 161-C; and the uniform reciprocal enforcement of support act, pursuant to RSA 546; shall take judicial notice of any support obligation established pursuant to RSA 173-B:4, I(b)(4), upon the filing of a certified copy of the district court order in the superior court by:

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect November 1, 1990.

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies. OUGHT TO PASS WITH AMENDMENT.

The bill separates the licensing of child day care from the licensing of residential child care agencies and child placing agencies. It is apparent that the time has come to organize and clarify the statutes to more clearly reflect the realities of the licensing requirements for these very different services. Vote 14-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 170-E:2, IV as inserted by section 8 of the bill by deleting subparagraph (h) and renumbering the original subparagraph (i) to read as (h).

Amend RSA 170-E:2, XII as inserted by section 8 of the bill by replacing it with the following:

XII. "Regularly" or "on a regular basis" means supervision and care up to and including 7 days a week, whether paid or unpaid, for the following as defined in RSA 170-E:2, IV: (a) family day care home, (b) family group day care home, (c) group child day care center, (d) day care nursery, (e) night care agency, (f) preschool program, and (g) school-age program.

Amend RSA 170-E:3 as inserted by section 8 of the bill by inserting after paragraph IV the following new paragraph:

V. Facilities operated as a complimentary and limited service for the benefit of the general public in connection with a shopping center, ski area, bowling alley, or other similar operation where the parents or custodians of the serviced children are on the premises or in the immediate vicinity and are readily available.

Amend the bill by replacing section 12 with the following:

12 Committee Established; Duty. There is established a committee to study the feasibility of licensing those facilities which pursuant to RSA 170-E:3, V as provided in section 8 of this act are exempted from licensing.

13 Membership. The membership of the committee shall be:

I. One member of the house of representatives, appointed by the speaker of the house.

II. One member of the senate, appointed by the president of the senate.

III. One representative of the Business and Industry Association of New Hampshire, appointed by such association.

IV. One representative of the New Hampshire Ski Area Operators Association, appointed by such association.

V. Two representatives of those facilities described in RSA 170-E:3, V as provided in section 8 of this act, appointed by the governor.

VI. Two representatives of the department of health and human services, appointed by the commissioner.

14 Meetings; Chair. The first meeting shall be called within 30 days of the effective date of this act by the representative named to the committee. The chair shall be selected at the first meeting and shall vote only in cases of a tie vote.

15 Report. The committee shall make a report of its findings, including any proposed legislation, to the speaker of the house, the president of the senate, the children, youth and juvenile justice committee, and the public institutions, health and human services committee, on or before November 1, 1990.

16 Effective Date.

I. Sections 12-15 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill changes the laws relative to licensing of child care providers by distinguishing between licensing for child day care providers and licensing for residential care providers and child-placing agencies. Laws relative to licensing such distinct groups are now provided in two separate subdivisions of RSA 170-E. The bill also makes minor technical changes in the laws relative to such restructuring of RSA 170-E.

Changes in the laws relative to licensing of child day care providers include:

(1) Limiting the number of children who can be cared for in a license-exempt home to any number of children related biologically or through adoption, plus 3 additional children.

(2) Changing the length of the licensing period from 2 to 3 years.

(3) Authorizing the department of health and human services to suspend a license until completion of a department approved corrective action plan.

(4) Retaining the exemption from licensing for facilities provided by operations such as ski areas and bowling alleys but establishing a study committee to determine the feasibility of requiring licensing of such facilities.

Changes in the laws relative to licensing of residential care providers and child-placing agencies include:

(1) Requiring that the fire code to be applied to foster homes in communities around the state be the fire code standard applicable to a single family home in such communities.

(2) Exempting from the misdemeanor penalty of operating without a license, those homes which are requested by either the division for children and youth services or a child-placing agency to receive a child or children on an emergency basis, such exemption to last for a period of up to 30 days from the date of placement of the child in the home.

(3) Adding definitions for "corrective action plan" and "independent living home."

(4) Requiring information about the governing bodies of the organizations to be licensed as residential care providers or child-placing agencies, such as the board of trustees or the board of directors, and the connection of members of such bodies with the facility or agency.

(5) Allowing conditions to be placed on a license, such as the gender and age of, and the length of time for, children to be served by the facility or agency.

(6) Establishing periods for which a license is valid as 3 years for group homes and child care institutions and 4 years for child-placing agencies.

(7) Requiring that, although the license itself is public information, all information collected during the license application process remain confidential.

The bill is a request of the department of health and human services.

HB 1440-FN, establishing a committee to study laws relative to child support. INEXPEDIENT TO LEGISLATE.

The bill requests a study committee which would duplicate work already accomplished by a blue ribbon task force which studied all child support guidelines throughout 1988. This task force held statewide hearings, and from its work came HB 677 which became law in the 1989 session. The Committee feels that it would be prudent to allow the new guidelines (which have been in effect only 4-5 months) a reasonable amount of time to be implemented. The data collection mechanisms established in HB 677, Chapter 406, Laws of 1989, are intended to provide data by April 1991, which would make study and review more meaningful at that time. Vote 15-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 1113, requiring insurance companies handling property and casualty insurance to publish rates. INEXPEDIENT TO LEGISLATE.

Testimony was that the bill would produce little new information on rates, but would entail great costs, and would mainly benefit the only statewide print media through advertising revenues. The Insurance Department has volunteered to make available information on companies licensed to do business in New Hampshire and on the lines they carry, all of which will be helpful to a consumer. Vote 11-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 1235-FN, relative to waivers in accident and health insurance policies. INEXPEDIENT TO LEGISLATE.

The Committee was informed by the Insurance Department that the issue will be dealt with using the Administrative Rule process. As written, the bill would exclude individuals who need health care coverage. The rules will cover the circumstances under which limited waivers may be granted. Vote 11-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

HB 1259-FN, relative to the unclaimed and abandoned property act. OUGHT TO PASS WITH AMENDMENT.

This bill was requested by the State Treasurer for the purpose of making technical changes to the Abandoned Property Law. The amendment changes the time frame

within which an administrator must sell abandoned property from three years to one year. Vote 11-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing sections 8 and 9 with the following and renumbering the original section 8-12 to read as 10, 11, 12, 13, and 14, respectively:

8 Time Frame for Sale of Abandoned Property. Amend RSA 471-C:24, I to read as follows:

I. Except as provided in paragraphs II and III, the administrator, within [3 years] *one year* after the receipt of abandoned property, shall sell it to the highest bidder at public sale in whatever city in the state affords in the judgment of the administrator the most favorable market for the property involved. The administrator may decline the highest bid and reoffer the property for sale if in the judgment of the administrator the bid is insufficient. If in the judgment of the administrator the probable cost of sale exceeds the value of the property it need not be offered for sale. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold.

9 Time Frame for Sale of Abandoned Property. Amend RSA 471-C:24, IV to read as follows:

IV. Unless the administrator considers it to be in the best interest of the state to do otherwise, all securities presumed abandoned under RSA 471-C:10 and delivered to the administrator shall be held for at least [3 years] *one year* before he may sell them. If the administrator sells any securities delivered pursuant to RSA 471-C:10 before the expiration of the [3-year] *one-year* period, any person making a claim pursuant to this chapter before the end of the [3-year] *one-year* period is entitled to either the proceeds of the sale of the securities or the market value of the securities at the time the claim is made, whichever amount is greater, less any deduction for fees pursuant to RSA 471-C:25, II. A person making a claim under this chapter after the expiration of this period is entitled to receive either the securities delivered to the administrator by the holder, if they still remain in the hands of the administrator, or the proceeds received from sale, less any amount deducted pursuant to RSA 471-C:25, II, but no person has any claim under this chapter against the state, the holder, any transfer agent, registrar, or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the administrator.

Amend section 14 of the bill by replacing it with the following:

14 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill was requested by the state treasurer.

This bill expands the concept of abandoned property to funds owed under any insurance policy rather than simply life insurance policies.

The bill requires the payment or delivery of certain abandoned property to the administrator at the time of filing the report concerning such property.

The bill also removes a provision that required an administrator to pay interest on certain property held by him, for the period of time the property is held, to the claimant of the property.

The bill also changes the time frame within which an administrator must sell abandoned property from 3 years to one year.

The bill makes other technical changes in the abandoned property law.

HB 1260-FN, relative to collecting ambulatory health care data from insurance carriers. **INEXPEDIENT TO LEGISLATE.**

House Bill 1260 is a companion bill to HB 1261, which requires ambulatory providers to furnish data to the Division of Public Health for use in health planning and service monitoring. House Bill 1260 requires that insurance carriers provide certain information which was not specified. The Committee met with the Committee to which HB 1261 was referred to discuss both bills and decided to recommend HB 1261 in amended form to begin to plan the ambulatory data collection process which may include insurance carriers. This Committee believes that the first step is to obtain data from the providers and then determine if additional information is needed from insurers. Vote 11-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

HB 1311-FN, relative to compensation for goodwill under certain circumstances for leased property. **INEXPEDIENT TO LEGISLATE.**

This bill was submitted to address an unusual and unfortunate incident by an unscrupulous landlord. However, the Committee felt that there was not much the Legislature could do and tenants needed to be sure their rights are properly protected when signing their leases. Vote 11-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

HB 1314, prohibiting certain pre-judgment attachments and liens. **INEXPEDIENT TO LEGISLATE.**

The sponsor of this bill requested that it be reported inexpedient to legislate. Vote 11-0. Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs.

HB 1010, relative to annual school meetings. **INEXPEDIENT TO LEGISLATE.**

The bill would require that annual school meetings be held following town meeting. These meetings may now be scheduled before, in conjunction with or following town meeting. The proposal would remove local option; it was opposed by the Department of Education and the School Boards Association, and appears to create more problems than it would solve. Vote 16-0. Rep. Leo J. Spencer for Education.

HB 1135, relative to weighted voting in school administrative unit affairs. **REFER FOR INTERIM STUDY.**

This bill proposes to change the process for and the determination of the weighted vote in school districts. Although the determination of the criteria for the weights is standard, the usage of weighted votes varies widely. A solution to the perceived level of consistency and fairness will require further indepth study. Vote 16-1. Rep. Nils H. Larson for Education.

HB 1211, establishing a mandatory period of silence at the beginning of each school day. **INEXPEDIENT TO LEGISLATE.**

This bill circumvents the ban on school prayer. If it is not illegal, it violates the spirit of the separation of church and state. Requiring the teachers to supervise silent period of at least three minutes each day is an unnecessary burden on the teachers and students. Vote 16-0. Rep. Robert M. Gilbreth for Education.

HB 1084-FN, relative to continuing care communities. **OUGHT TO PASS.**

All testimony was in strong support of HB 1084 — no opposition. The Department of Health and Human Services states that RSA 420-D gives it the responsibility of regulating continuing care facilities. Some of these facilities were previously under the supervision of the Director of Charitable Trusts. The Charitable Trusts section reports to the Attorney General's Office. This transfer of authority is accomplished without any additional cost or funding to the Insurance Department. Allowing those qualified continuing-care facilities to remain under the supervision of Charitable Trusts should have no fiscal impact. The Committee appointed under HB 571 voted unanimously for keeping those under Charitable Trusts the same. (Otherwise some of the facilities would not survive.) Vote 17-0. Rep. Alice Tirrell Knight for Health, Human Services and Elderly Affairs.

HB 1124, prohibiting smoking on buses. **INEXPEDIENT TO LEGISLATE.**

This bill has been incorporated into HB 1254 as they both deal with amending the laws on smoking in public places. Vote 15-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

HB 1128-FN, requiring licensure of out-of-state mail order pharmacies. **OUGHT TO PASS.**

Careful review of all testimony has determined that this bill is definitely in the best interest of the protection of the health and welfare of the citizens of this state. The licensing of out-of-state mail service pharmacies will ensure that the quality and standards of prescription drugs shipped to residents of the state will be of the high quality and standards that are now required of resident pharmacies. The licensing will also enable the Board of Pharmacy to initiate investigative activities and seek reciprocal legal recourse against these pharmacies should any damages occur as a result of violations of the New Hampshire Pharmacy Act. The passage of this bill will also enable the Board of Pharmacy to take positive action on complaints registered with the Board, by citizens of the State, relative to pharmaceutical services rendered by an out-of-state mail service pharmacy. Vote 15-0. Rep. James E. Appleby for Health, Human Services and Elderly Affairs.

HB 1254, relative to smoking in laundromats. **OUGHT TO PASS WITH AMENDMENT.**

This bill which prohibits smoking in laundromats was supported by the New Hampshire Medical Society, the New Hampshire Hospital Association, the Division of Public Health and by an owner of a laundromat chain. It was amended to incorporate HB 1124 which prohibits smoking on buses which are privately owned. The Department of Transportation in the federal government is expected to prohibit smoking on all buses by regulation within the year. Vote 15-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to smoking in laundromats and on buses.

Amend the bill by replacing all after the enacting clause with the following:

1 Laundromats Added. Amend RSA 155:45, II to read as follows:

II. "Enclosed public places" means any enclosed, indoor area which is publicly owned or supported by tax revenues including, but not limited to, public means of

transportation, common carrier waiting rooms, elevators, retail stores, libraries, theaters, concert halls, auditoriums, arenas, educational facilities, museums, art galleries, sport galleries, planetariums, historical sites, polling places, government offices, health care facilities, and rooms in which a public meeting, hearing, or other official proceeding open to the public is in progress. *This definition shall also include laundromats which are open to the public and buses owned by private companies but which are used to transport the public.*

2 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill includes laundromats which are open to the public and buses owned by private companies but which are used to transport the public in the definition of "enclosed public places" for purposes of regulating smoking.

HB 1261-FN, relative to data collection from certain hospitals and medical centers. **OUGHT TO PASS WITH AMENDMENT.**

This bill amends the current statutes regarding data collection (RSA 126:25 Data Review) to require all providers, including ambulatory care facilities, licensed and/or certified to practice in the state of New Hampshire to submit ambulatory health care data. The plan to collect this data will be developed by the Health Services Planning and Review Board and shall be submitted to the Commissioner of Health and Human Services by December 1, 1990. At present, 60 percent of medical procedures in New Hampshire are done on an out-patient basis. This data is necessary for health policy planning and cost containment. Vote 15-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to data collection from ambulatory care facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Data from Ambulatory Care Facilities. Amend RSA 126:25, II to read as follows:

II. In addition to the data listed in paragraph I, the commissioner of health and human services [may] *shall* require all providers, *including ambulatory care facilities*, licensed *or certified* to practice in the state of New Hampshire to submit ambulatory health care data pursuant to a plan to collect such data developed by the health services planning and review board established by RSA 151-C:3. This plan shall be submitted to the commissioner of health and human services by [January 1, 1987] **December 1, 1990.**

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the department of health and human services to obtain ambulatory health care data from all health care providers, including ambulatory care facilities, licensed or certified in this state.

The health services planning and review board is required to create a plan for data collection by December 1, 1990.

HB 1292-FN, relative to funeral homes and professional offices. **INEXPEDIENT TO LEGISLATE.**

The Committee listened to the sponsor and two other persons. The need was identified in a funeral home where two wheelchair-bound persons could not get into a

funeral parlor for a friend's service. The law affecting public buildings is clear, but the law regarding privately owned buildings is not clear. A pending bill such as HB 670 may be the solution. Vote 15-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

HB 1353-FN, relative to the oversight committee on health and human services. **OUGHT TO PASS.**

This bill makes the following changes to the Oversight Committee on Health and Human Services established in RSA 126-A:8:

- (1) Reduces the number of Senate members from five to three.
- (2) Adds five members, one from each division of the Department of Health and Human Services, to be appointed by the Commissioner.
- (3) Requires the Committee to begin its meetings immediately upon the close of each legislative session. Current law requires the Committee to meet at least quarterly and at the call of either the Chairman or three members.
- (4) Eliminates certain duties and requires the Committee to review and recommend any changes to state statutes and rules of the Department of Health and Human Services. Vote 16-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

HB 1397-FN, relative to training persons to perform drug testing. **OUGHT TO PASS WITH AMENDMENT.**

The Committee felt that drug testing and interpretation is as important as is alcohol testing. Also essential is the knowledge and ability to study the results and diagnose the problem. The state does not have a toxicologist, but spends dollars sending specimens out-of-state as well as paying additional dollars to out-of-state toxicologists to come to court hearings as expert witnesses. Vote 15-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to hiring a toxicologist to perform drug testing and
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Toxicologist. The commissioner of the department of health and human services shall hire a toxicologist who shall be a classified employee, labor grade 28, to perform drug testing.

2 Appropriation.

I. The sum of \$42,501 for the fiscal year ending June 30, 1991, is hereby appropriated from federal funds to the department of health and human services, for the purpose of this act. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw his warrant for said sum out of the appropriate funds.

II. Notwithstanding paragraph I, if the amount of available federal funds is insufficient, the amount of the insufficiency, up to the sum of \$42,501, is hereby appropriated for the fiscal year ending June 30, 1991, to the department of health and human services, for the purpose of this act. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to hire a toxicologist to perform drug testing.

The bill makes an appropriation out of federal funds, if sufficient, for this purpose. If federal funds are insufficient, the shortfall is to be made up from general funds.

HCR 11, relative to rural hospitals. OUGHT TO PASS.

This resolution urges the New Hampshire Congressional Delegation to support legislation currently pending in the United States Senate which would make payments to rural hospitals more equitable versus urban hospitals. Vote 15-0. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

HCR 12, relative to the AIDS virus. OUGHT TO PASS WITH AMENDMENT.

This concurrent resolution recognizes the rapidly increasing costs to individuals and governments in treating AIDS. It encourages the manufacture and distribution of drugs, especially those developed with government support, at the lowest possible cost. Vote 11-3. Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs.

Amendment

Amend the resolution by replacing all after the title with the following:

Whereas, acquired immune deficiency syndrome (AIDS) is a transmittable disease rivaling the most serious diseases recorded in human history; and

Whereas, the World Health Organization estimates that as of September 25, 1989, 5 to 10 million citizens are currently infected with AIDS; and

Whereas, by January 1990 New Hampshire has had 143 cases of AIDS and of those 143 persons 77 have already died and 4 are under the age of 13 years; and

Whereas, the pain and suffering is enormous for anyone who is inflicted with this disease and for anyone who knows or loves a child or an adult who has AIDS; and

Whereas, the care and treatment of AIDS patients is very costly and a drain on governmental support services; and

Whereas, a prudent public health policy requires an efficient and cost-sensitive health care delivery system that can assist in reducing both the prevalence and the incidence of AIDS transmission; and

Whereas, the cost of current drugs to combat AIDS may cost in the thousands of dollars per year; and

Whereas, medications which have been researched and developed with governmental funds exist which are effective treatments and which have been shown to delay the full-blown onset of AIDS and which are being marketed by private companies; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court urges the speed manufacture, distribution, and marketing of such drugs at the lowest possible cost to ease the financial burden of individuals with AIDS and governments procuring AIDS drugs; and

That the National Institutes of Health be encouraged to promote the development, manufacture, and distribution of such less expensive drugs; and

That the New Hampshire division of public health services be encouraged to use the most cost-effective methods in purchasing and distributing such drugs; and

That copies of this resolution, signed by the speaker of the house and president of the senate be forwarded to the governor of New Hampshire, the Health and Human Services committees of the other 49 states and the District of Columbia, the New Hampshire congressional delegation, the President of the United States and the National Institutes of Health for dissemination to appropriate drug manufacturers and regulatory agencies.

HB 1018-FN, relative to the penalties for bail jumping. **OUGHT TO PASS WITH AMENDMENT.**

This bill plugs a loophole in the present Bail Jumping Statute which did not cover a class B felony. It also institutes a \$1500 fine for bail jumping on a violation. The amendment is technical. Vote 17-0. Rep. W. Kent Martling for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Bail Jumping. Amend RSA 642:8, III(a) to read as follows:

(a) In connection with a charge of, or while awaiting sentence, surrender for service of sentence, or appeal after conviction for:

(1) An offense punishable by death, life imprisonment, or imprisonment of a maximum term of 15 years or more, he shall be fined not more than \$10,000 or imprisoned for not more than 15 years, or both;

(2) An offense punishable by imprisonment for a [maximum] term of [7 years or] more *than one year*, but less than 15 years, he shall be fined not more than \$5,000 or imprisoned for not more than 7 years, or both;

(3) A misdemeanor, he shall be fined not more than \$2,000 or imprisoned for not more than one year, or both; [or]

(4) A violation, shall be fined not more than \$1,500; or

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill imposes a penalty of up to a \$5,000 fine and 7 years imprisonment on a person convicted for bail jumping after conviction for a class B felony. The bill also imposes a fine of up to a \$1,500 fine for a bail jumping offense after conviction for a violation.

HB 1089, repealing the 2 year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations. **INEXPEDIENT TO LEGISLATE.**

This matter has been covered under HB 1107. Vote 17-0. Rep. Beverly A. Hollingworth for Judiciary.

HB 1132, relative to excluding witnesses from criminal trials. **REFER FOR INTERIM STUDY.**

The Committee has requested the court to look at the subject matter in HB 1132 and report back to the Committee. The Committee believes that there may be a problem with exclusion of witnesses from trial and if so, it might best be resolved through court rules. Vote 16-1. Rep. Beverly A. Hollingworth for Judiciary.

HB 1218-FN, relative to defense and indemnification of bail commissioners. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, adds Bail Commissioners to the group of officers included for defense and indemnity under the state's Sovereign Immunity Statute. Vote 14-1. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the bill by replacing section 1 with the following:

1 Bail Commissioners; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks *or bail commissioners* thereof, or any harbor master appointed by the New Hampshire port authority, officials and employees of the New Hampshire housing finance authority, or directors, officers and employees of the New Hampshire energy authority seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

AMENDED ANALYSIS

This bill includes bail commissioners under RSA 99-D:2 for purposes of defense and indemnification by the state.

HB 1233-FN, relative to first degree murder, capital murder, and the death penalty. **INEXPEDIENT TO LEGISLATE.**

The Committee feels that this bill expands the death penalty to crimes well beyond the bounds of where reasonable juries would choose to impose the sentence. Vote 17-0. Rep. Sandra B. Keans for Judiciary.

HB 1234-FN, relative to guardian's authority to admit to institutions. **OUGHT TO PASS WITH AMENDMENT.**

This bill authorizes a guardian to institutionalize a ward for not more than 60 days for a single admission or more than 90 days in any 12-month period before securing approval from the Probate Court. This bill will allow for the expeditious treatment of those clients served within our system who have guardians and are in a crisis situation thereby hastening their return to the community. At the same time, this bill will both enhance the rights and protect the dignity of these clients. Vote 13-1. Rep. W. Kent Martling for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Placement by Guardian. RSA 464-A:25, I(a) is repealed and reenacted to read as follows:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward's place of abode within or without this state. However, no guardian may place a ward in a state institution except upon certification by a physician licensed in the state of New Hampshire, or, in the case of placement in New Hampshire hospital, upon certification by a psychiatrist licensed in the state of New Hampshire, that the placement is in the ward's best interest and is the least restrictive setting available. Within 36 hours, excluding Sundays and holidays, of placing a ward in a state institution, the guardian shall submit to the probate court notice of the placement and the reasons therefor, together with a copy of the certificate by the physician or psychiatrist. The court shall promptly provide copies of the notice and related documents to the ward and counsel for the ward if he or she has counsel of record. For purposes of proceedings under this subparagraph, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The notice to be given to the ward by the court shall state that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing. At any time, the ward or counsel for the ward may request a hearing on the placement at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive setting available. The court, after notice and hearing, may approve or disapprove the placement by the guardian. Notwithstanding the foregoing, no guardian may place a ward in a state institution for more than 60 days for any single admission or more than 90 days in any 12-month period without prior approval of the probate court. Approval by the probate court of an admission to a state institution shall also authorize any readmission which occurs within 60 days of discharge from such institution. For purposes of this subparagraph, security staff at New Hampshire Hospital, upon proof of guardianship and certificate of the psychiatrist or order of the probate court, shall be authorized to transport the ward to New Hampshire hospital for admission.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes a guardian to institutionalize a ward upon certification by a licensed physician, or in the case of New Hampshire hospital, upon certification by a licensed psychiatrist that the placement is in the ward's best interest. Within 36 hours of such placement the guardian shall notify and seek approval from the probate court.

HB 1242-FN, relative to DWI and the ignition interlock device. REFER FOR INTERIM STUDY.

The whole aspect of DWI intervention must be studied further. Nine states are currently using this system. Vote 12-3. Rep. Sandra B. Keans for Judiciary.

HB 1243-FN, relative to penalties for abuse or neglect resulting in a death. INEXPEDIENT TO LEGISLATE.

The Committee feels that the types of homicides contemplated by the bill can appropriately be prosecuted under the current homicide statutes. Passage of this bill could confuse the state's homicide laws. Vote 16-0. Rep. Thomas U. Gage for Judiciary.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures. OUGHT TO PASS WITH AMENDMENT.

This bill gives District Courts jurisdiction concurrent with the Superior Court to issue orders to prohibit certain practices that are now illegal. The District Court is more accessible than the Superior Court. This accessibility benefits both the tenant and landlord. The bill also increases the current fine from \$25 to \$200. Vote 13-2. Rep. Donnalee M. Lozeau for Judiciary.

Amendment

Amend RSA 540-A:4, VII(a) as inserted by section 1 of the bill by replacing it with the following:

(a) An order prohibiting the defendant from continuing the activity or activities which violate RSA 540-A:2 or RSA 540-A:3.

Amend RSA 540-A:4, IX and X as inserted by section 1 of the bill by replacing them with the following:

IX. Any landlord or tenant who violates RSA 540-A:2 or any provision of RSA 540-A:3 shall be subject to the civil remedies set forth in RSA 358-A:10, including costs and reasonable attorney's fees incurred in the proceedings. Each day that a violation continues shall constitute a separate violation.

X. Any tenant who violates the provisions of RSA 540-A:2 or RSA 540-A:3 shall be liable to the landlord for double all damages proximately caused by the violation plus costs and reasonable attorneys' fees.

HB 1279-FN, relative to state guaranteed loans. REFER FOR INTERIM STUDY.

The Committee felt this was a good bill and with proper refining could be a great bill. Therefore, this bill is referred for Interim Study. Vote 12-2. Rep. Alice B. Record for Judiciary.

HB 1299-FN, relative to enhanced sentences for "hate crimes." OUGHT TO PASS WITH AMENDMENT.

This bill would allow the courts to impose an extended term of imprisonment for a crime which was committed because of the victim's religion, race, creed, sexual

orientation, national origin, or sex. The Committee agrees with the sponsor of this bill and the rights of all. Vote 13-1. Rep. Beverly A. Hollingworth for Judiciary.

Amendment

Amend RSA 651:6, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) He was substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, sexual orientation, national origin or sex.

HB 1308-FN, increasing the time of driver license revocation for driving while possessing controlled drugs and administrative forfeiture of vehicles and vessels connected with drugs. INEXPEDIENT TO LEGISLATE.

The Committee has dealt with many DWI bills and will be sending out HB 1289 with what it has taken from many other pieces of legislation. This bill's content was not something that the Committee could agree on. Some of its content may be looked into further during the interim study on some of the other legislation. Vote 13-3. Rep. Donnalee A. Lozeau for Judiciary.

HB 1345-FN, relative to high speed pursuit. REFER FOR INTERIM STUDY.

At the hearing, a number of questions were asked about standard operating procedures used by police. Those questions remain unanswered, and the Committee feels that this bill should be held until a comprehensive review of pursuit issues can be had by the Committee. The Committee holds a proposed amendment drafted as a result of executive work in its file. Vote 13-1. Rep. Peter Hoe Burling for Judiciary.

HB 1363-FN, relative to driving after revocation or suspension. INEXPEDIENT TO LEGISLATE.

The Committee has diligently worked to put together a complete package relating to the many DWI bills that have been introduced. The Committee is continuing that effort and found this bill to be unnecessary. Vote 15-1. Rep. Donnalee M. Lozeau for Judiciary.

HB 1360-FN, relative to the regulation of private detectives. OUGHT TO PASS WITH AMENDMENT.

This legislation generally updates and strengthens the existing statute on the registration and licensing of "private detectives," some sections being enacted in 1977.

The criteria to become a private detective has been broadened, to attract retired or former law enforcement officers, and those persons who possess a Bachelor of Science degree in criminal justice, and persons who have been employed full-time by a private detective agency. Surety bonds have been increased from \$5,000 to \$10,000, and "restriction" criteria has been expanded to prevent the improper use of the private investigator's identification card. Vote 11-0. Rep. Robert J. Daly for Public Protection and Veterans Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Registration of Foreign Corporations. Amend RSA 106-F:5 by inserting after paragraph II the following new paragraph:

III. Any out-of-state applicant incorporated under the laws of any other state, desiring to do business in this state pursuant to this chapter, shall be deemed to be a foreign corporation and shall be required to register under and comply with the provisions of RSA 293-A.

Amend RSA 106-F:4, I-b(e) as inserted by section 2 of the bill by replacing it with the following:

- (e) Lost, concealed, or stolen property.

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Private Detective Qualifications. Amend RSA 106-F:6 by inserting after paragraph VII the following new paragraph:

VIII. In addition to the requirements of paragraphs I-VII, applicants for private detective licenses shall meet the following qualifications:

- (a) Be a resident of the United States.
- (b) Be at least 18 years of age.
- (c) Have no record of violent misdemeanors, or theft, fraud, or felony convictions.

- (d) Possess:

- (1) a minimum of 4 years' experience as an investigator or full-time law enforcement officer with a state, county or municipal police department; or

- (2) an associate of science degree or bachelor of science degree in criminal justice from an accredited college or university, and employment as a full-time investigator for a private detective agency for at least 2 years; or

- (3) a minimum of 4 years' employment as a full-time investigator for a licensed private detective or private detective agency.

- (e) Provide verifiable documentation of his qualifications at the time of application for a license.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-14 to read as 3-15, respectively.

2 Section Heading Amended. Amend the section heading of RSA 106-F:5 to read as follows:

106-F:5 License Required; *Registration of Foreign Corporations*.

HB 1134-FN, relative to the right-of-way layouts for timber access. INEXPEDIENT TO LEGISLATE.

The main objection to this bill is that it disregards the individual property rights, which have been a priority since 1784. It is not for the public good. It is solely for the monetary gain of the adjoining property owner. Vote 11-0. Rep. Allen R. Wiggin for Resources, Recreation and Development.

HB 1196-FN, relative to the jurisdiction of the wetlands board. OUGHT TO PASS WITH AMENDMENT.

The amendment to HB 1196 creates a study committee on a variety of Wetlands Board issues. The original bill provided a fee for early determination of wetlands and attempted to provide funds to accelerate the turnaround time in the application process. However, testimony did not convince the Committee that this increased fee effort would in fact achieve the desired goal.

However, the Committee was sympathetic to the public's frustration regarding Wetlands Board practices and sympathetic to the needs of the Wetlands Board's staff limitation as well. Also, the Governor's Task Force on Wetlands will report its findings by March 1, 1990. Therefore, the study committee created in the amendment is directed to look at a number of issues raised in testimony on HB 1196 as well as evaluate and make legislative recommendations relative to the report of the Wetlands

Task Force. Vote 11-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a legislative study committee relative to wetlands board matters.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established.

I. There is hereby established a legislative committee to study matters relative to the wetlands board. The committee shall consist of 6 members as follows: 4 members from the house committee on resources, recreation and development, appointed by the speaker of the house of representatives, and 2 members from the senate committee on development, recreation and environment, appointed by the president of the senate. The committee shall select from its appointed membership a chairman and a secretary.

II. The committee shall study, but not be limited to, the following matters:

- (a) The qualifications of wetland board inspectors.
- (b) The consistency of the wetland board definition for minimum, minor and major impact projects.
- (c) The problems related to the initial determination of wetlands.
- (d) The coordination and consolidation of federal, state and local levels.

III. The committee shall also:

- (a) Evaluate and make legislative recommendations relative to the report of the wetlands task force due in March 1990.
- (b) Review the effectiveness of the present administration and financial resources of the wetlands board.
- (c) Review the application process in an effort to make it "user" friendly.
- (d) Evaluate procedures used by other New England states.
- (e) Review and make recommendations relative to consolidation of the wetlands permitting process.

IV. The committee shall serve without compensation but shall be entitled to legislative mileage when performing duties in connection with the committee.

V. The committee shall submit its report with its recommendations for legislative action on or before December 1, 1990, to the speaker of the house, the president of the senate and the chairmen of the House committee on resources, recreation and development and the Senate committee on development, recreation and environment.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a six-member legislative committee to study matters related to the wetlands board. The bill requires the committee to submit its report, with legislative recommendations, to the speaker of the house, president of the senate and the chairmen of the committee on resources, recreation and development and the committee on development, recreation and environment no later than December 1, 1990.

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, accomplishes two simple goals. It adds "hazardous substance" to the purview of the existing underground storage tank regulations and it

creates a new permitting structure to replace the existing federal system which is being phased out as federal funds dwindle to oblivion. The new permit fee structure, as provided by the amendment, funds the increased workload. This bill does not create a new level of bureaucracy. It merely moves it from the quagmires of the Potomac to the hill by the Merrimack. Vote 13-0. Rep. Donald L. Roulston for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after section 12 with the following:

13 Underground Storage Facility Permits; Duration of Permit. Amend RSA 146-C:4, II to read as follows:

II. The division shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times. Permits shall be valid for a period of 5 years, *except as provided in paragraph III.*

14 New Paragraph; Underground Storage Permit Fee Required. Amend RSA 146-C:4 by inserting after paragraph II the following new paragraph:

III. A permit fee of \$100 per year shall be paid to the division by the owner or operator of each permitted facility, except for facilities owned by state and local governments and school districts, in the manner described below. All fees shall be deposited with the state treasurer as unrestricted revenue.

(a) Facilities with existing permits in Hillsborough county shall have a permit expiration date of April 30, 1991. A fee of \$70 for 1990 shall be paid to the division on or before September 30, 1990.

(b) Facilities with existing permits in Merrimack and Belknap counties shall have a permit expiration date of April 30, 1992. A fee of \$140 for 1990 and 1991 shall be paid to the division on or before April 30, 1991.

(c) Facilities with existing permits in Rockingham county shall have a permit expiration date of April 30, 1993. A fee of \$210 for 1990-1992 shall be paid to the division on or before September 30, 1991.

(d) Facilities with existing permits in Coos, Carroll, and Grafton counties shall have a permit expiration date of April 30, 1994. A fee of \$280 for 1990 through 1993 shall be paid to the division on or before April 30, 1992.

(e) Facilities with existing permits in Cheshire, Sullivan, and Strafford counties shall have a permit expiration date of September 30, 1995. A fee of \$350 for 1990 through 1994 shall be paid to the division on or before September 30, 1993.

(f) For new facilities, the permit shall expire 5 years from the last day of the month in which the permit was issued. A fee of \$350 shall be paid upon submission of the permit application. If for any reason the permit is denied, the fee shall be returned or refunded.

(g) The fee for permit renewals shall be the same as the fee for new permits.

15 New Paragraph; Fee Required for New Underground Storage Facilities. Amend RSA 146-C:7 by inserting after paragraph I the following new paragraph:

I-a. Any person submitting plans and specifications for a new facility shall pay to the division a fee of \$100. Such fee shall be for reviewing such plans and specifications and for making inspections during installation. The fee shall be deposited with the state treasurer as unrestricted revenue.

16 Eligible Expenses; Oil Discharge and Disposal Cleanup Fund. Amend RSA 146-D:6, I to read as follows:

I. The fund shall be available to owners of underground storage facilities, including underground home heating fuel storage tanks, *which are subject to the provisions of RSA 146-C and* which are in compliance with all rules of the division[, with a capacity equal to or greater than 1,100 gallons]. Owners of underground storage facilities with current permits, current records, and who are in compliance with all rules of the division shall be eligible to apply to the fund.

17 Repeal. RSA 146-C:1, IX, relative to the definition of liquid, is repealed.

18 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill conforms state operation of the oil discharge and disposal cleanup fund with the federal "first dollar" liability for eligible expenses financial responsibility requirement, and adds several definitions and clarifications to the underground storage facilities program.

The bill also:

(1) Adds permit fees which must be paid by the owners or operators of underground storage facilities and extends permit expiration dates for those facilities.

(2) Adds a fee of \$100 which must be paid by persons submitting plans and specifications for new underground storage facilities.

(3) Amends the provisions for eligible expenses available to owners of underground storage facilities.

HB 1320-FN, relative to watercraft sewage pump-out facilities at marinas. REFER FOR INTERIM STUDY.

This bill is one of the items resulting from the Study Committee on the Closure of Shellfish Flats in the Seacoast Area in 1989. The Committee needs additional time to work with marine owners, yacht clubs and other boating interests studying the scope of needs, costs and enforcement. Vote 12-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges. OUGHT TO PASS WITH AMENDMENT.

This bill changes the language in two sections of the statutes dealing with notification of surrounding communities relative to permits, bypasses and upsets associated with wastewater treatment plants. The new language makes it easier to understand the intended procedure to be followed. Vote 12-0. Rep. Robert S. Marston for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions Added. Amend RSA 485-A:2 by inserting after paragraph XVI the following new paragraphs:

XVII. "Bypass" means the intentional diversion of waste streams from any portion of the wastewater facilities.

XVIII. "Upset" means an exceptional incident in which there is unintentional and temporary non-compliance with permit effluent limitations because of factors beyond the reasonable control of the permittee.

XIX. "Wastewater facilities" means the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge.

2 Notice to Municipalities. RSA 485-A:4, XVII is repealed and reenacted to read as follows:

XVII. To give notice by first-class mail to the city or town clerk of the municipality in which is located the point of discharge or point of potential discharge, and all adjacent municipalities located on the same receiving water as the water at the point of discharge, when an application is made for a new permit or when a permit is renewed by the division.

3 Notice to Municipalities. RSA 485-A:13, I(c) is repealed and reenacted to read as follows:

(c) Any person responsible for a bypass or upset at a wastewater facility shall give immediate notice of the bypass or upset to all public or privately owned water systems drawing water from the same receiving water. The permittee shall maintain a list of persons, and their telephone numbers, who are to be notified immediately by telephone. In addition, written notification, which shall be postmarked within 3 days of the bypass or upset, shall be sent to such persons.

4 New Paragraph; Rulemaking Added. Amend RSA 485-A:6 by inserting after paragraph XI the following new paragraph:

XI-a. The contents of the written notification required in RSA 485-A:13, I(c).

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the division of water supply and pollution control, department of environmental services, to give notice to the affected municipality in which is located a point of discharge or potential discharge which may endanger health or the environment and adjacent affected municipalities, when a permit is given or renewed.

Under this bill, any person responsible for a violation of effluent limitations must give immediate notice to all public or private water systems drawing such affected water.

HB 1387-FN, requiring an annual registration fee for docks and related structures. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1387, as amended, is being used as a vehicle to implement a few specific measures relative to lake quality adapted from the "Shoreline Protection Bill." Criteria for inclusion were (1) the measure relates specifically to protecting water quality; (2) the measure relates to an existing regulatory program; and (3) the measure does not require additional agency resources. The "public boundary line" is defined relative to water bodies. Requirements for subdivision review and subsurface disposal systems are tightened for development along the public boundary line. The 50 percent basal requirements for cutting timber will apply to development along the public boundary line. In addition, the Department of Environmental Services is directed to establish water quality standards that include acceptable limits of eutrophication for lakes. Vote 12-1. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to protecting the quality of surface waters.

I New Paragraph; Definitions of Public Boundary Line. Amend RSA 485-A:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Public boundary line", when referring to water bodies, means:

(a) For rivers, the visibly apparent top of the bank or, where there is no visibly apparent top of the bank, the normal high water line. For the purposes of this paragraph, "rivers" means rivers, and their tributaries, from their mouth or point of exit from New Hampshire upstream to a point where the total remaining drainage area is no more than 15 square miles. The applicable limit of this paragraph shall be calculated and mapped by the commissioner.

(b) For great ponds, as defined in RSA 4:40-a, the natural mean high water mark.

(c) For public water bodies, the high water level as determined by dam design, including flash boards. "Public water bodies" in this subparagraph means those bodies of water, the artificial high water level of which is maintained by the state's exercise of its flowage rights.

(d) For coastal waters, the limit of the highest observable tide, as determined by the wetlands board. "Coastal waters" includes all waters subject to the ebb and flow of the tide, including the Great Bay Estuary and the associated tidal rivers.

2 Plan Approval. Amend RSA 485-A:29, I to read as follows:

I. Any person proposing either to subdivide land or to construct a sewage or waste disposal system shall submit [2] 3 copies of [locally approved] plans *with local conditional approval as defined in RSA 676:4, I(i)* for any such subdivision of land and [2] 3 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the division as provided in this paragraph. The division shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, what tests are to be required, what standards, procedures and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the division. All inspections by the division shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area, *none of which includes any land within 250 feet of a public boundary line as defined in RSA 485-A:2, IX-a*. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time

of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the division and the requirements of this subdivision.

3 New Paragraph; Soil Testing Inspections. Amend RSA 485-A:34 by inserting after paragraph IV the following new paragraphs:

V. Except as provided in RSA 485-A:34, VI, no new subsurface disposal system shall be permitted within 125 feet of the public boundary line of water bodies as defined in RSA 485-A:2.

VI. On any pre-existing lot of record where a setback of 125 feet as required in RSA 485-A:34, V cannot be met, the director of water supply and pollution control may grant a waiver subject to the following conditions:

(a) No reasonable opportunity exists to meet the 125 foot setback with an off-lot installation; and

(b) The setback from surface water is maximized to the extent possible; and

(c) The system is in compliance with all other water supply and pollution control rules.

4 Cutting Timber. Amend the introductory paragraph of RSA 224:44-a to read as follows:

Within a 10-year period, no more than 50 percent of the basal area of trees shall be cut, or otherwise felled, leaving a well distributed stand of healthy, growing trees, within 150 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area, or public highway or within 50 feet of any other stream, river or brook which normally flows throughout the year, unless the person who pushes over, cuts, saws, or operates or causes to be pushed, cut, sawed, or operated said trees, obtains the prior written consent of the director of the division of forests and lands or his agents. Basal area means the cross sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

5 Cutting Along a Public Highway. Amend RSA 224:44-a, IV to read as follows:

IV. Timber cutting *along a public highway* for land conversion purposes, other than timber growing and forest uses, shall be exempt from this section if those persons intending to convert the use of the land have secured all required local permits including, but not limited to, building, subdivision or zoning permits, excavation permits, or site plan approval necessary for the use to which the land will be converted, and are able to furnish proof of such permits.

6 New Paragraph; Land Bordering Surface Waters. Amend RSA 224:44-a by inserting after paragraph IV the following new paragraph:

IV-a. On land which borders surface water, when trees are to be cut for land conversion purposes, other than timber growing and forest uses, basal requirements as set forth in this section shall apply to the converted use.

7 Surface Water Standards. The department of environmental services shall prepare a set of standards relative to water quality that can serve as a measurable guide for preserving New Hampshire's lakes and ponds. Such standards shall include parameters relevant to the use classifications pursuant to RSA 485-A:8 and acceptable limits of eutrophication. The standards shall be submitted to the governor, the senate president, and the speaker of the house in the form of suggested legislation prior to December 1, 1991.

8 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides for the protection of the surface waters of the state by designating limitations on the construction or installation of sewage or waste disposal systems near public waters.

The bill regulates the cutting of timber near certain public waters and highways.

The bill requires the department of environmental services to prepare a set of standards relative to water quality.

HB 1109-FN, establishing a committee to study the public utilities commission's authority over small water systems. **INEXPEDIENT TO LEGISLATE.**

House Bill 1109 is recommended as Inexpedient to Legislate since the study proposed in the bill is already underway in the Public Utilities Commission. Two representatives from the Committee on Science, Technology and Energy will participate with the Public Utilities Commission in this effort which is to be completed by January 1, 1991. Vote 8-0. Rep. Charles C. Vogler for Science, Technology and Energy.

HB 1003, relative to prima facie speed limits on local roads. **OUGHT TO PASS WITH AMENDMENT.**

This bill authorizes the local authorities in their respective jurisdictions to set the prima facie speed for local roads. Vote 10-1. Rep. Thaddeus E. Klemarczyk for Transportation.

Amendment

Amend RSA 265:63, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering [and] *or* traffic investigation that the prima facie speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a way or part of a way, the local authority may determine and declare a reasonable and safe prima facie limit thereon which:

(a) Decreases the limit at intersections;

(b) Increases the limit within an urban district but not to more than 60 miles per hour;

(c) Decreases the limit outside an urban district but not to less than 25 miles per hour; or

(d) Decreases the limit within any business or urban residence district but not to less than 25 miles per hour.

II. Local authorities in their respective jurisdictions shall determine by an engineering [and] *or* traffic investigation the proper prima facie speed for all arterial streets and shall declare a reasonable and safe prima facie limit thereon which may be greater or less than the prima facie speed permitted hereunder for an urban district.

AMENDED ANALYSIS

This bill provides that local authorities in their respective jurisdictions may determine, on the basis of an engineering or traffic study, the proper prima facie speed for local roads.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. **OUGHT TO PASS WITH AMENDMENT.**

This bill prohibits the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton, but allows an emergency landing by any seaplane or helicopter on

floats due to a bona fide emergency. Vote 17-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend RSA 270:120 as inserted by section 1 of the bill by replacing it with the following:

270:120 Tewksbury Pond.

I. No person shall use or operate any boat equipped with a petroleum-power motor on Tewksbury Pond in the town of Grafton.

II. The provisions of paragraph I shall not apply in the case of an emergency landing by any seaplane or helicopter on floats due to a bonafide emergency, be it weather, air-craft component failure or an emergency airlift situation. Such seaplane or helicopter on floats shall be allowed to take off.

III. Whoever violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill prohibits the use of petroleum-power motors on Tewksbury Pond in the town of Grafton, except for emergency use by aircraft or helicopters equipped with floats.

HB 1083, establishing speed limits for the operation of OHRVs. OUGHT TO PASS WITH AMENDMENT.

All speed requirements conform to RSA 215-A:6, III (reasonable and prudent under existing conditions). In all cases speed shall be controlled so that the operator will be able to avoid colliding with any person, vehicle, or object. Vote 15-1. Rep. George N. Katsakiores for Transportation.

Amendment

Amend RSA 215-A:6, III as inserted by section 3 of the bill to read as follows:

III.(a) No person shall operate an OHRV at a speed greater than is reasonable and prudent under the existing conditions and with regard for actual and potential hazards. In all cases speed shall be controlled so that the operator will be able to avoid colliding with any person, vehicle, or object.

(b) Where no hazards exist which would require a lower speed to comply with subparagraph (a), the speed of any OHRV in excess of the limit specified in this section shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) 10 miles per hour within 150 feet of any so-called bob-house, fishing shanty or occupied fishing hole of another.

(2) 10 miles per hour on class I through VI highways when the OHRV is being operated within the rights-of-way adjacent to such highways; town or city sidewalks; class IV, V, and VI highways approved for OHRV operation; and bridges open for OHRV operation.

(3) 10 miles per hour at trail junctions or parking lots, or when passing trail grooming equipment.

(4) 15 miles per hour on plowed roads on department of resources and economic development property open to OHRV operation.

(5) 35 miles per hour on all trail connectors.

(6) 45 miles per hour when operating an OHRV on any approved OHRV trail.

(c) The prima facie speed limits set forth in subparagraph (b) may be altered for a specific hazard.

(d) The driver of every OHRV shall, consistent with the requirements of subparagraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding trail, and when a special hazard exists with respect to pedestrians or other traffic by reason of weather or trail conditions.

Amend RSA 215-A:9, VI as inserted by section 5 of the bill to read as follows:

VI. In operating OHRVs within the [right-of-ways] *rights-of-way* adjacent to certain highways between points of loading or unloading [and areas of OHRV operations], as provided in RSA 236:56, the one-way distance traveled in such public right-of-way shall be not greater than 500 feet [and OHRV speed shall not exceed 15 miles per hour].

HB 1143, relative to registration and operation of OHRVs. OUGHT TO PASS WITH AMENDMENT.

This bill adds to the limitations of OHRV operations. It amends RSA 215-A:10 which now covers limitations on snow traveling vehicles (snowmobiles) by making the limitation apply to all OHRVs except on separately-designed bicycle trails. It also includes a provision that no person shall operate an OHRV if his driver's license has been suspended or revoked. Vote 17-0. Rep. George N. Katsakiores for Transportation.

Amendment

Amend RSA 215-A:10, III as inserted by section 4 of the bill by replacing it with the following:

III. A person may operate a snow traveling vehicle when snow conditions permit, on separate bicycle trails or pedestrian walkways constructed for such purposes by the department of transportation on the interstate highways, toll roads or limited access highways if the trails and walkways are designated and maintained as approved snow traveling vehicular trails by the bureau and if such designation and maintenance is approved by the commissioner of the department of transportation.

Amend RSA 215-A:29, XIX as inserted by section 5 of the bill by replacing it with the following:

XIX. No person shall operate an OHRV if his driver's license has been suspended or revoked by the director of motor vehicles or by the authority of another state or any province of Canada.

AMENDED ANALYSIS

This bill is a request of the department of fish and game.

The bill allows the executive director to enter into a contract with another state agency to establish an OHRV registry.

The bill also provides that no person shall operate an OHRV, if that person's driver's license has been revoked or suspended.

HB 1172-FN, relative to drivers' licenses and the mature driver. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, requires that all serious medical conditions be reported to the Division of Motor Vehicles by all persons seeking to obtain or renew a driver's

license, no matter what their age. Such medical conditions are defined as those which would seriously affect a person's ability to drive. The Director of Motor Vehicles is authorized to deny a license to a person whose medical condition is sufficiently serious, but can issue a license for periods of remission of the condition. Vote 13-0. Rep. Lawrence A. Emerton for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the physical condition of drivers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Medical Conditions Reporting. Amend RSA 263 by inserting after section 14-a the following new section:

263:14-b Reporting of Medical Conditions; Rulemaking.

I. Any person qualified to drive upon the ways of this state shall, upon application for a license or license renewal, supply the division with information pertaining to those medical conditions such person currently has which could seriously interfere with his ability to drive safely. Such medical conditions include but are not limited to heart conditions, diabetes, epilepsy, and multiple sclerosis.

II. The director may:

- (a) Deny a license as a result of the seriousness of a medical condition;
- (b) Issue a license for periods of remission of such condition;
- (c) Require each applicant to submit a physician recommendation form upon the request of the director or his representative; and
- (d) Suspend the license or privilege to drive for those persons willfully refusing to supply information required under this section.

III. Any report made pursuant to paragraph I shall be confidential and used solely for the purpose of determining the qualifications of any person to operate a motor vehicle.

IV. The director shall adopt rules, pursuant to RSA 541-A, relative to the administration of the physician recommendation form as provided in subparagraph II(c).

2 License Examinations; Expanded Testing. Amend RSA 263:6 to read as follows:

263:6 **License Examination.** Before a license is granted to any person, the applicant, if [he] **such person** has not been theretofore licensed to drive a motor vehicle in this state, shall pass such examination as to his qualifications as the director may prescribe. Such examination may include [an examination for visual acuity] **vision, knowledge, skills and reflex tests** as prescribed by the director. No license shall be issued until the director is satisfied that the applicant is a proper person to receive it. No physical defect of an applicant shall debar [him] **such person** from receiving a license unless it can be shown by common experience that such defect incapacitates [him] **such person** from safely driving a motor vehicle, except as provided in RSA 263:13.

3 License Reexamination; Expanded Testing. Amend RSA 263:7 to read as follows:

263:7 **License Reexamination.** The director may require with cause any person holding a license to drive motor vehicles or applying for reissue of such license to pass such examination as to his qualifications as the director shall prescribe. Such reexamination may include [an examination for visual acuity] **vision, knowledge, skills and reflex tests**, as prescribed by the director. No license shall be reissued to

such person or continued in effect until the director is satisfied as to such person's fitness to drive a motor vehicle. Every person upon reaching his seventy-fifth birthday shall demonstrate his physical and mental qualifications to hold a license by examination, as prescribed by the director.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that all serious medical conditions be reported to the division of motor vehicles by all persons seeking to obtain or renew a drivers' license, no matter what their age. Such medical conditions are defined as those which would seriously affect a person's ability to drive.

The director of motor vehicles is authorized to deny a license to a person whose medical condition is sufficiently serious, but can issue a license for periods of remission of the condition.

The bill also makes some minor technical changes in the laws relative to testing for license examinations and reexaminations.

HB 1257, relative to motor vehicle road tolls. OUGHT TO PASS WITH AMENDMENT.

This bill changes the term "other than motor fuel" to "special fuel" and makes other technical statutory changes. The bill also increases the number of years motor fuel user licensees must retain fuel records. This bill permits any state, federal, county or municipal vehicle in performing official duties to drive in prohibited areas on divided highways. Vote 17-1. Rep. Richard L. Haynes for Transportation.

Amendment

Amend the bill by replacing all after section 21 with the following:

22 Divided Ways. Amend RSA 265:26, II to read as follows:

II. [Except] *With the exception of any state, federal, county or municipal vehicle or any agent thereof, operating in furtherance of their official duties or any vehicle* in an emergency, no vehicle shall be driven to the right of the unbroken painted line marking the barrier between the travel portion of a divided way and the emergency break-down lane, or to the left of the unbroken painted line marking the barrier between the travel portion of a divided way and the dividing space or barrier.

23 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill is a request of the department of safety.

The bill changes the term "fuel other than motor fuel" to "special fuel," and makes other technical statutory changes. The bill also increases the number of years motor fuel user licensees must retain fuel records.

This bill also excepts any state, federal, county or municipal vehicle being operated in furtherance of official duties, from driving in prohibited areas on divided highways.

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel. OUGHT TO PASS WITH AMENDMENT.

This bill authorizes the Commissioner of the Department of Safety to grant permits to hospital emergency personnel to use emergency lights on their private vehicles. The Commissioner is required to adopt rules relative to the administration of the permit. Vote 13-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Rulemaking; Emergency Lights for Emergency Personnel. Amend RSA 21-P:14, V by inserting after subparagraph (r) the following new subparagraph:

(s) Issuance of permits for emergency lights for hospital emergency personnel pursuant to RSA 266:74-a.

2 New Section; Use of Emergency Lights by Hospital Emergency Personnel Authorized. Amend RSA 266 by inserting after section 74 the following new section:

266:74-a Emergency Lights for Hospital Emergency Personnel. Notwithstanding the provisions of RSA 266:74, the commissioner is authorized to grant permits to hospital emergency personnel allowing them to use emergency lights during an emergency. The commissioner shall adopt rules pursuant to RSA 541-A relative to qualifications for and conditions of such a permit, grounds for revoking such permit, and any other matters necessary to implement this section.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of safety to grant permits to hospital emergency personnel to use emergency lights on their private vehicles. The commissioner is required to adopt rules relative to the administration of the permit.

HB 1415, relative to OHRV safety and training. OUGHT TO PASS.

This bill provides that no person under the age of 18 shall operate an OHRV, unless accompanied by a person aged 18 or over, or operating on land owned by a relative. It does provide that a person at least 12 years of age who has passed an approved OHRV safety course may operate an OHRV. Vote 15-0. Rep. Roland M. Turgeon for Transportation.

HB 1422-FN, permitting tinted glass in motor vehicle windshields and side windows for medical reasons. OUGHT TO PASS WITH AMENDMENT.

This bill authorizes the Commissioner of Safety to grant a special permit to persons who for medical reasons would require a motor vehicle with after market tinting on the windshield or on the windows to the left and right of the driver. Vote 14-1. Rep. Emma M. Dodge for Transportation.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Tinted Glass Medical Permit. Amend RSA 266:58-a by inserting after paragraph III the following new paragraph:

III-a. Persons who require for medical reasons after market tinting on the windshield or on the windows to the left and right of the driver may apply for a special permit pursuant to RSA 266:61-a, IX.

2 Rulemaking; Motor Vehicle Equipment Waiver. RSA 266:61-a, VIII(b) and (c) are repealed and reenacted to read as follows:

(b) The information to be contained on the permit;

(c) The standards used to determine whether or not to grant the waiver; and

(d) Restrictions on the use or operation of the motor vehicle and the documentation of such restrictions on the permit.

3 New Paragraph; Waiver for Medical Purposes. Amend RSA 266:61-a by inserting after paragraph VIII the following new paragraph:

IX. The commissioner may waive the requirements of RSA 266:58-a and issue a special permit to a person who for bona fide medical reasons requires after market tinting on the windshield or on the windows to the left and right of the driver and who applies for such permit. Such waiver shall be granted in accordance with this section and shall only authorize the use of after market tinted windows with a light transmittance of not less than 35 percent. In reviewing the application for a permit under this paragraph, the commissioner may seek the advice and recommendation of a medical review board designated by him for such purpose.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of safety to grant a special permit to persons who for medical reasons require a motor vehicle with after market tinting on the windshield or on the windows to the left and right of the driver. Current law prohibits persons from driving a motor vehicle with such after market tinting.

The bill also makes some minor changes in the rulemaking authority of the commissioner of safety relative to motor vehicle equipment waivers for the handicapped.

REGULAR CALENDAR

HB 1129-FN-A, authorizing the department of transportation to clean up the Gilson Road waste site and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, appropriates \$25,000 in general funds to the Department of Environmental Services to contract with the Department of Transportation to cleanup a state-owned building at the Gilson Road waste site in Nashua. It requires cleanup be completed by December 1, 1990 and progress reports to the Capital Budget Overview Committee by August 1, 1990. Vote 19-1. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to authorize the department of environmental services, in cooperation with the department of transportation, to clean up the demolition debris and other solid waste adjacent to the Gilson Road waste site. The project shall be completed by December 1, 1990.

2 Report. The department of environmental services shall make a report on the progress of the clean-up project to the capital budget overview committee on or before August 1, 1990.

3 Appropriation. The sum of \$25,000 is hereby appropriated for the biennium ending June 30, 1991, to the department of environmental services for the purpose of section 1 of this act. These funds are in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes an appropriation to the department of environmental services for the purposes of cleaning up the Gilson Road waste site. The project shall be conducted by the department of environmental services in cooperation with the department of transportation.

Amendment adopted.

Ordered to third reading.

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel. (A) OUGHT TO PASS.

The Committee supports the intent of this bill. The cost of this new interstate educational certification will be absorbed by fees. Vote 16-1. Rep. Ellen-Ann Robinson for Appropriations.

Ordered to third reading.

HB 1325-FN, relative to eligibility under the aid to the permanently and totally disabled program. RECOMMENDED BUT TO BE LAID ON THE TABLE BECAUSE OF FUNDING.

Current law requires a person to be "permanently and totally disabled" to be eligible for APTD. However, some totally disabling conditions, especially back injuries, may not be certified as "permanent." This bill would have required documented medical evidence that the disability would have a duration of at least 24 months. The additional general fund costs of \$638,000 in FY 91 as well as added county costs of \$289,000 in the same year cannot be borne at this time. The bill is laudable, this is the wrong year. Vote 15-2. Rep. Douglas E. Hall for Appropriations.

Rep. Haettenschwiller spoke against the report and yielded to questions.

Rep. Douglas Hall spoke in favor of the report and yielded to questions.

On a division vote, 225 members having voted in the affirmative and 71 in the negative, the report was adopted.

HB 1174-FN, relative to laws regarding children and minors. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This bill clarifies the laws relative to children and minors and recognizes their emancipation. It also provides for the compensation of legal representatives of said subjects. Vote 11-4. Rep. Stanley N. Searles for the Majority of Children, Youth and Juvenile Justice.

MINORITY: The amendment to HB 1174 puts a time limit on services to children who are CHINS (Children in Need of Services). Though, at first glance, this may appear to save the state some unknown amount of money, in the long run cutting off services to children who still need services (i.e.: foster care, counseling, home-based services) will not only cost more at the local level, but the problems which were not dealt with will become more serious and need more costly and drastic measures. Reps. Mary Jane Wallner, Josephine Mayhew, Janet G. Barry and Sharon L. Nordgren for the Minority of Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Recognition of Emancipation. Amend RSA 21-B by inserting after section 1 the following new section:

21-B:2 Recognition of Emancipation Decrees from Other States. A person who is under the age of 18 years, but who has documentation which supports a claim that he has been emancipated in accordance with the laws of the state in which he previously had been residing, shall be considered to be emancipated in the state of New Hampshire.

2 Philbrook Center Records Included. Amend RSA 126-A:45, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, [and] the Glencliff home for the elderly, *and the in-patient psychiatric unit of the Philbrook center for children and youth*, relative to expenses incurred by patients at such institutions, or expenses incurred by patients receiving care, treatment, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the director of mental health and developmental services [and], the director of public health services, *the director of children and youth services*, and to the respective superintendents of such institutions, as to the rates to be charged for the care, treatment, and maintenance of such patients or residents.

3 New Section; Recognition of Foreign Probation Officers. Amend RSA 169-B by inserting after section 9-a the following new section:

169-B:9-b Recognition of Foreign Probation Officers. If a minor has been placed on probation or protective supervision by a juvenile court of another state and the minor is in this state with or without the permission of such court, the probation officer of that court or other person designated by that court to supervise or take custody of the minor has all the powers and privileges in this state with respect to the minor as have like officers or persons of this state, including the right of visitation, counseling, control, direction, taking into custody, and returning the minor to that state.

4 Delinquent Children; Dispositional Hearing; Release of Minor to Certain Facilities. Amend RSA 169-B:19, I(f) to read as follows:

(f) Release the minor in the care and supervision of a group home, crisis home or shelter care facility, [which is not used for the placement of children in need of services or a child found to be abused or neglected,] with expenses charged according to RSA 169-B:40;

5 Supervision of Minors on Conditional Out-of-State Release. Amend RSA 169-B:19, II to read as follows:

II. If a minor is placed out of state, the provisions of RSA *169-A* and 170-A shall be followed.

6 Clarifying the Purpose Statement; CHINS. Amend RSA 169-D:1, I to read as follows:

I. To recognize that certain behaviors occurring within a family or school environment indicate that a child is experiencing serious difficulties and is in need of services to provide him with the treatment, care, guidance, counseling, discipline, *and* supervision[, and rehabilitation] necessary to assist him [in] *towards* becoming a responsible and productive member of society;

7 Clarifying the Purpose Statement; CHINS. Amend RSA 169-D:1, V to read as follows:

V. To [achieve] *further* the foregoing purposes and policies by providing each child coming within the provisions of this chapter with the treatment, care, guidance, counseling, discipline, *and* supervision[, and rehabilitative resources] which he needs and [has a right to receive] *for which the court can provide*.

8 Clarification of Definitions; CHINS. Amend RSA 169-D:2 by inserting the following introductory paragraph and amending 169-D:2, I and II to read as follows:

In this chapter:

I. "Child" means a person who is under the age of 18 *on the date the petition is filed pursuant to RSA 169-D:5*.

II. "Services" means care, guidance, counseling, discipline, supervision, *and* treatment [and rehabilitation] or any combination thereof.

9 Clarification of Definitions; CHINS. Amend RSA 169-D:2, IV to read as follows:

IV. "Child in need of services" means a child who is under the age of 18 and who is expressly found to be:

(a) Subject to compulsory school attendance, and who is habitually, willfully, and without good and sufficient cause, truant from school; or

(b) A child who habitually runs away from home[, or otherwise repeatedly disregards the reasonable and lawful commands of his parents, guardian or custodian]; or

(c) A child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense [which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state] *as provided in RSA 169-D:22*; or has violated an ordinance or bylaw of a city or town.

Only if an express finding has been made of any one of the foregoing, a child who is also expressly found to be in need of care, guidance, counseling, discipline, supervision, or treatment[, or rehabilitation].

10 New Paragraph; Petition Alleging Child to Need Services; Educationally Handicapped Child. Amend RSA 169-D:5 by inserting after paragraph IV the following new paragraph:

V. When a school official is filing the petition, he shall include information which demonstrates that the legally liable school district has either:

(a) Made a determination that the minor is educationally handicapped as defined in RSA 186-C; or

(b) Has reviewed the services provided under RSA 186-C if the minor has been determined to be educationally handicapped and made recommendations for the provision of such services to the minor.

11 New Section; Clarification Regarding CHINS Placements. Amend RSA 169-D by inserting after section 9-b the following new section:

169-D:9-c Detention in Certain Facilities; CHINS and Juvenile Delinquents.

I. Facilities which are not physically restricted may receive for placement minors who have been adjudicated as children in need of services or minors who have been adjudicated as juvenile delinquents.

II. Physically restricted facilities shall receive for commitment and detention only those minors who have been adjudicated juvenile delinquents pursuant to RSA 169-B or who are awaiting the court's disposition regarding allegations of juvenile delinquency. Physically restricted facilities which are primarily used for psychiatric treatment or evaluation shall not be limited only to such minors.

12 New Section; Procedures for Removal of CHINS From Home. Amend RSA 169-D by inserting after section 10 the following new section:

169-D:10-a Removal of Child From Home. No child subject to a petition brought under this chapter shall be removed from his home unless:

I. Clear and convincing evidence is presented to the court to show it is against the child's best interest to remain in the home under the circumstances presented in such petition;

II. A case plan for return of the child to the home has been recommended by the division, consented to by the parents, and ordered by the court; and

III. There is probable cause to believe that the child should be held for adjudication and disposition of the allegations in the petition.

13 Clarification of Available CHINS Placements; Limiting Conditional Release. Amend RSA 169-D:17, I(a) to read as follows:

(a) Permitting the child to remain with a parent, guardian, *relative* or custodian, subject to such limitations and conditions as the court may prescribe, including:

(1) Ordering the child or parent, guardian, relative or custodian, or both, to accept individual or family counseling [or medical treatment];

(2) Placing the child on conditional release for a term of [2 years] *one year* or less.

14 New Paragraph; Limiting Court Involvement; CHINS. Amend RSA 169-D:17 by inserting after paragraph III the following new paragraph:

III-a. The court shall limit the duration of any disposition ordered pursuant to this section to one year from the date of filing the petition, or the termination of the court's involvement, whichever comes first, but which in no event shall exceed the child's eighteenth birthday, and shall upon its own motion or at the request of any party conduct a hearing at such time to review the status of the child and family. The division shall prepare a study regarding the progress of the child and family in complying with the case plan ordered by the court. The court may close the case and terminate court involvement if the court finds the child and family have not been complying with the case plan, or if compliance has brought the child and family to satisfactory resolution. If the division, in its study, recommends continuation of the case plan in order to assure completion of needed services, the court may continue the case plan for an additional period of up to 6 months after the hearing conducted pursuant to this paragraph.

15 New Section; Determination of Competence of CHINS. Amend RSA 169-D by inserting after section 18 the following new section:

169-D:18-a Determination of Competence.

I. At any point during the proceedings, the court may, either on its own motion or that of any of the parties, order the child to submit to a mental health evaluation for the purpose of determining whether the child is competent to have committed the offenses or acts alleged in the petition. The evaluation shall be completed within 60 days of the date of such order and shall be conducted by an agency other than the Philbrook center which is approved by the commissioner of health and human services, or conducted by a psychologist certified in New Hampshire or a qualified psychiatrist, or by the Philbrook center only upon receiving prior approval for admission of the child for such evaluation by the director, division for children and youth services. The evaluation shall be submitted to the court in writing prior to the hearing on the merits.

II. The court shall inform the child of his right to object to the evaluation; if he does object, he shall do so in writing to the court within 5 days of the court's order for

the evaluation. The court shall hold a hearing to consider the objection, and may, for good cause, excuse the child from the evaluation.

III. Whenever such an evaluation has been made previously for consideration at a prior proceeding, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluator shall keep records of having conducted the evaluation, but no reports or records shall be made available, other than to the court and parties, except upon the written consent of the child or his legal representative, parent or guardian or pursuant to RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

16 New Section; Court Ordered Placements. Amend RSA 169-F by inserting after section 3 the following new section:

169-F:4 Consent Agreements. The court shall not allow any consent agreement to be approved until the division for children and youth services has been informed of such agreement and has been given 10 days to be heard or to file an objection.

17 Reference Corrected. Amend RSA 170-G:10, I to read as follows:

I. Care and treatment of mentally ill children pursuant to RSA [135-B] **135-C**.

18 Clarification of Purpose of Admission and Rulemaking. Amend RSA 170-G:11 to read as follows:

170-G:11 Admission; Discharge from Center.

I. Children, subject to proceedings in juvenile court, may be admitted to the center for evaluation, *treatment or education* only after prior approval by the director and pursuant to the provisions of RSA 169-B, 169-C, or 169-D *and for education pursuant to the provisions of 186-C*.

II. The director shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The discharge of any child admitted to the center when further detention is either unnecessary or undesirable [: and].

(b) The return of the child to such custody as may be determined appropriate or ordered by the court.

(c) The discharge of any child admitted to the center for treatment.

19 Date Extended. Amend 1988, 197:12 to read as follows:

197:12 Certification of Shelter Care/Detention Beds. On or before December 31, [1989] **1991**, the division shall certify to the administrative office of the courts of the New Hampshire supreme court [60] *a minimum of 45* geographically distributed shelter care/detention beds. Thereafter, the division shall maintain an appropriate number of shelter care/detention beds, based on the certificate of need formula as established in rules adopted pursuant to RSA 170-G:5.

20 Date Extended. Amend 1988, 197:16, I to read as follows:

I. RSA 169-D:9-b as inserted by section 7 of this act, and section 13 of this act, shall take effect on December 31, [1989] **1991**, or 60 days after the certification of [60] *a minimum of 45* shelter care/detention beds as provided in section 12 of this act, whichever occurs first.

21 Transition Period; Children Who Do Not Meet New Criteria. The general court recognizes that there are children who prior to the effective date of this act met certain eligibility and durational criteria as provided under law and who, after the effective date of this act, will not meet the new eligibility and durational criteria established under various provisions of this act. Therefore, the general court hereby directs the division for children and youth services to prepare a transition plan for each of these children by June 30, 1990.

22 Repeal. RSA 167:50 - 52, relative to inspection of homes, special treatment, and expense for placement of children, are repealed.

23 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes several changes in laws relative to children and minors, including requiring that New Hampshire recognize the emancipation of a minor when the minor provides documentation that he had been emancipated in accordance with the laws of another state.

The bill also redefines a child in need of services as a child who is less than 18 years of age on the date the petition alleging the child is in need of services is filed. The bill also removes rehabilitation from the services offered to such children.

The bill requires that in order to remove a child in need of services from his home, (1) clear and convincing evidence must be presented to the court to show it is against the child's best interest to remain in the home, (2) a case plan for return of the child to the home has been recommended by the division for children and youth services, consented to by the parents, and ordered by the court, and (3) there is probable cause to believe that the child should be held for adjudication and disposition of the allegations that the child is in need of services.

The bill permits the district court to order a mental health evaluation of a child alleged to be in need of services for the purpose of determining if the child is competent to have committed the acts alleged in the petition. The court may order such evaluation either on its own motion or that of any of the parties.

The bill also makes some minor statutory changes relative to the admission of children to the Philbrook center for children and youth.

Amendment adopted.

Ordered to third reading.

HB 1194-FN, relative to costs of court-ordered services for or placement of minors and children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

MAJORITY: This bill requires the District Court to provide the county an opportunity to be heard on the issue of the appropriateness of the services or placement when the costs exceed \$100 per day per child. Vote 9-6. Rep. Annette M. Cooke for the Majority of Children, Youth and Juvenile Justice.

MINORITY: While the minority has no objection to the minor housekeeping changes allowing counties to proceed to District Court instead of Superior Court in establishing liens to make parents responsible for expenses of their children, it does object to adding provisions which duplicate those already in place, but not being used. The amendment presents many problems and may result in a reduction of funds available for placement of children. Reps. Mary Jane Wallner, Carolyn L. Brady, Josephine Mayhew, Lionel W. Johnson, Sharon L. Nordgren and Juanita Bell for the Minority of Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to costs of court-ordered services for or placement of minors and children
and relative to liability of expenses for minors and children.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Notice to Counties. Amend RSA 169-F by inserting after section 3 the following new section:

169-F:4 Notification to Counties.

I. If, at any phase of the proceedings, the division for children and youth services receives notification from the court pursuant to RSA 169-F:3, or contemplates recommending to the court services or placement for a minor or a child with expenses to be charged in accordance with RSA 169-B:40, RSA 169-C:27 or RSA 169-D:29, the daily rate of which exceeds \$100 per day, the division shall notify the liable county prior to recommending such services and shall allow the liable county an opportunity, without delaying the services or placement, to provide recommendations as to the appropriateness of the services or placement contemplated.

II. Failure by the division to comply with this section shall be the basis for the county to contest and reduce its charged amount to reflect those charges which the county can unequivocally document as less expensive.

5 Change to District Court; Liability of Expenses. Amend RSA 169-B:40, VII to read as follows:

VII. If the person responsible for paying reimbursements to the county under paragraph V is financially able to pay such reimbursements but fails to make such payments, the county may apply to the [superior] *district* court for a lien on such person's real or personal property for the amount of reimbursements due.

6 Change to District Court; Liability of Expenses. Amend RSA 169-C:27, VII to read as follows:

VII. If the person responsible for paying reimbursements to the county under paragraph V is financially able to pay such reimbursements but fails to make such payments, the county may apply to the [superior] *district* court for a lien on such person's real or personal property for the amount of reimbursements due.

7 Change to District Court; Liability of Expenses. Amend RSA 169-D:29, VII to read as follows:

VII. If the person responsible for paying reimbursements to the county under paragraph V is financially able to pay such reimbursements but fails to make such payments, the county may apply to the [superior] *district* court for a lien on such person's real or personal property for the amount of reimbursements due.

8 Effective Date.

I. Sections 5-7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that the division for children and youth services, department of health and human services, notify a county liable for the county portion of the costs of proposed court-ordered services for or placement of minors or children when such projected costs exceed \$100 per ay. Prior to ordering such services or placement, the district court is required to provide the county an opportunity to be heard on the issue of the appropriateness of the services or placement.

The bill also makes a change in the laws relative to liability for expenses and hearings on liability for delinquent children, abused or neglected children, or children in need of services by providing that counties apply to the district court for a lien on the real or personal property of persons who fail to pay relevant reimbursements to the county. Current law provides that applications be made to the superior court.

Amendment adopted.

Ordered to third reading.

HB 1216-FN, relative to video tape depositions of children. **OUGHT TO PASS.**

House Bill 1216 repeals the mandatory presumption that testimony of a child under 12 years of age must be video taped. The court may, under this bill, order video tape depositions of children 12 years of age and under. In practice this is current procedure in the court system in New Hampshire. Vote 12-1. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

Ordered to third reading.

HB 1413, relative to requiring medical services providers to bill the parent responsible for providing medical or dental insurance for a child under a support decree. **INEXPEDIENT TO LEGISLATE.**

This bill highlights a problem which exists to some degree. The testimony indicated that the solution might cause more problems than resolution. The Medical Society and Dental Association agreed to independently study the situation and recommend changes as needed. If a defined, clear solution is documented it can be introduced in 1991 with a clear understanding of what the law would accomplish. Vote 13-2. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Resolution adopted.

HB 1426-FN, relative to surrogacy. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

MAJORITY: The Committee on Surrogate Motherhood was established to study public policy and legal issues surrounding surrogacy. House Bill 1426 is a result of a study of these issues. The key issues include impact of advancing technology, children born as a result of surrogacy arrangements, payment of fees and expenses, contracts and enforceability, the role of the courts and related public policy issues. Vote 9-5. Rep. Dorothy C. Bowers for the Majority of Children, Youth and Juvenile Justice.

MINORITY: Although the intention to allow a surrogate parent to bear a child for another is a noble one, and although this legislation would indeed eliminate the potential baby broker business, the minority felt there were too many unanswered and unanticipated legal problems that could occur. Reps. Annette M. Cooke, Nancy W. MacKinnon, Lionel W. Johnson, Douglas G. Forsythe and Carolyn L. Brady for the Minority of Children, Youth and Juvenile Justice.

Rep. Scott Green moved that the report of the minority, Inexpedient to Legislate, be substituted for the report of the majority, Ought to Pass, and spoke to his motion.

Rep. McCain spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 49

NAYS 254

**YEAS 49
BELKNAP**

Holbrook, Robert G.

Rosen, Ralph J.

CARROLL

Wiggin, Allen R.

CHESHIRE

Foster, Katherine Davis

Laurent, John J.

Sawyer, Alfred P.

COOS

Dumont, Robert E.

Woodburn, Jeffrey R.

GRAFTON

Copenhaver, Marion L.

Dow, David

Stewart, Roger

HILLSBOROUGH

Cote, David E.

Desrochers, Gerard T.

Domaingue, Jacquelyn

Dwyer, Patricia R.

Emerton, Lawrence

Foote, Herbert N., Sr.

Frank, Nancy G.

Green, Scott E.

Jasper, Shawn N.

King, John A.

Lawrence, Norman B.

Lozeau, Donnalee

Morrissette, Roland

Murphy, Robert E.

Ouellette, Robert O.

Paquette, Rodolphe G.

Provost, Gilles R.

Riley, Frances L.

Wheeler, David K.

Wright, George W.

MERRIMACK

Beaton, Nancy

Lewis, Mary Ann

Shaw, Randall F.

ROCKINGHAM

Chase, Lawrence A., Jr.

Dube, LeRoy S.

Flanders, Harry E.

Gage, Thomas U.

Hoelzel, Kathleen M.

Klemarczyk, Thaddeus E.

McCarthy, John James, Jr.

McGovern, Cynthia A.

Seward, Russell G.

Warburton, Calvin

Welch, David A.

STRAFFORD

Dionne, Albert J.

Kinney, Paula J.

Marston, Robert E.

SULLIVAN

Flint, Gordon B.

NAYS 254**BELKNAP**

Bolduc, Dennis R.

Campbell, Richard H., Jr.

Golden, Paul A.

Hardy, Earle D.

Maviglio, Steven R.

Pearson, Ralph W.

Randall, Kenneth A.

Rice, Thomas, Jr.

Richardson, Lawrence

Salatiello, Thomas

Turner, Robert H.

Vogler, Charles C.

Ziegra, Alice S.

CARROLL

Chandler, Gene G.

Daly, Robert J., Jr.

Dickinson, Howard C., Jr.

Foster, Robert W.

Olimpio, J. Lisbeth

Powers, Gerard E., Jr.

Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.

Cole, Stacey W.

Crutchley, Donald O.

Delano, Robert F.

Grodin, Richard A.

Hill, Douglas E.

Hunt, John B.

LaMar, David M.

Matson, William R.

Metzger, Katherine H.

Morse, Jo-Ann T.

Pearson, Gertrude B.

Perry, David M.

Spear, Susan

Young, David A.

COOS

Brungot, Catherine V.

Buckley, C. Fitzgerald, III

Guay, Lawrence J.

Horton, Lynn C.

Kilbride, Dennis J.

Lemire, George

Marsh, Beaton

Mayhew, Josephine

Merrill, Gerald

Nelson, Harold D.

Oleson, Otto H.

Theriault, Romeo J.

GRAFTON

Adams, Carl S.

Arnesen, Deborah L.

Bean, Pamela B.

Bennett, Shirley M.

Chambers, Mary P.

Christy, C. Dana

Densmore, Edward D.
Markley, J. Keith
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Driscoll, William J.
Nordgren, Sharon
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Larson, Nils H., Jr.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Cox, Gladys M.
Donovan, Francis X.
Dyer, Merton S.
Fields, Dennis H.
Gagnon, Gabrielle V.
Haettenschwiller, A. A.
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
Knight, Alice Tirrell
Lawrence, Eva M.
Lown, Elizabeth
McDowell, James E.
Messier, Irene M.
Packard, Bonnie B.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Alukonis, David J.
Baldizar, Barbara J.
Burkush, Peter
Desrosiers, William J.
Drolet, Paul L.
Dykstra, Leona
Flood, Jacqueline J.
Gerow, Sezen M.
Hall, Betty B.
Healy, Daniel J.
Hunter, Bruce F.
Johnson, Lionel W.
Kurk, Neal M.
Leclerc, Charles J.
Mason, Howard F.
McNerney, Daniel P.
Moore, Elizabeth A.
Pappas, Toni
Prestipino, Bartolo V.
Rodgers, G. Philip
Smith, Leonard A.
Turgeon, Roland M.
Young, Willard N.

Amidon, Eleanor H.
Barry, Janet Gail
Cowenhoven, Garret P.
Dodge, Emma M.
Dube, Ellen C.
Elliott, Larry G.
Ford, Nancy M.
Goulet, Maurice E.
Hanselman, Gregory L.
Holden, Carol H.
Jean, Romeo W.
Keefe, Edmund M.
Lachut, Ervin R.
Lefebvre, Roland J.
McCann, Bonnie Lou
McRae, Karen
Nardi, Theodora P.
Perham, Lester R.
Record, Alice Barnard
Schneiderat, Catherine
Soucy, Lillian E.
Upton, Barbara Allen

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Braiterman, Thea
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Jacobson, Alf E.
Millard, Elizabeth S.
Phelps, James D.
Soldati, Jennifer
West, George M.

Apple, Lowell D.
Bennett, J. Allen
Carter, Susan D.
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Nichols, Avis B.
Provencal, Leo A.
Stio, Peter M.

Barberia, Richard A.
Boucher, Laurent J.
Daneault, Gabriel
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Pfaff, Terence R.
Smith, Gerald R.
Teague, Bert

ROCKINGHAM

Bell, Juanita
Brown, Jeffrey M.
Campbell, Marilyn R.
Cooke, Annette M.
Fesh, Robert M.
Forsythe, Douglas G.

Blanchard, MaryAnn N.
Brown, Lewis W.
Caswell, Albert, Jr.
Cote, Patricia L.
Flanagan, Natalie S.
Gage, Beverly A.

Boucher, William Paul
Campbell, Eunice M.
Conroy, Janet M.
Felch, Charles H., Sr.
Ford, Bert H.
Greene, Elizabeth A.

Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 MacDonald, Joseph A.
 Mace, Ada L.
 McCain, William F.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Ritzo, Eugene
 Sherburne, John L.
 Sytek, Donna
 Vaughn, Charles L.
 Wright, David B.

Hoar, John, Jr.
 Johnson, Robert A.
 Klemm, Arthur P., Jr.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McKinney, Betsy
 Parr, Ednapearl F.
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Weddle, Michael Rodney

Hollingworth, Beverly A.
 Katsakiores, George N.
 Lovejoy, Virginia K.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Parsons, Robert F.
 Remick, Barbara R.
 Senter, Merilyn P.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Edward J.
 Gilmore, Gary
 Merrill, Amanda
 Scharff, Thomas Edward
 Sullivan, Henry P.
 Wheeler, Katherine Wells

Bernard, Mary E.
 Burton, Wayne M.
 Foss, Patricia H.
 Keans, Sandra Balomenos
 O'Brien, John
 Spencer, Leo J.
 Torr, Ann M.
 Young, John B.

Bickford, Drucilla
 Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 Parks, Joe B.
 Stewart, Glenn W.
 Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.,
 and the motion lost.

Burling, Peter Hoe
 Krueger, Richard H.
 Peyron, Fredrik

Domini, Irene C.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Ordered to third reading.

HB 1017-FN, prohibiting vendors from requiring a customer to present a major credit card when paying by check. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

MAJORITY: The sponsor's basic intent was to stop merchants from writing down a customer's credit card number on his/her check. Although this is a legitimate "privacy" concern, the Committee felt the Subcommittee's amendment of barring the merchant from copying down the credit card number on the check would defeat the merchant's need to verify the check. Vote 9-6. Rep. John B. Hunt for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: The original bill stated that vendors could not require customers to present a major credit card as a form of identification when paying by check. The amendment, as recommended by the subcommittee, did not disallow this policy, but did prohibit the vendor from recording the number or other information from the card. The State of Iowa presently has this law. The minority feels that by allowing this information to appear on your check you are providing all the information anyone would need to "rip you off." It's all right there — name, address, phone number, checking account number, driver's license number and account number from your credit card. Your check then passes from hand to hand throughout the check clearing system exposing you to credit fraud. The major credit card issuers, MasterCard, Visa

and AMEX do not approve of this practice and do not consider a check a credit card transaction. Rep. Bonnie B. Packard for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Packard moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority. Inexpedient to Legislate, and spoke to her motion.

Rep. Hunt spoke against the motion and yielded to questions.

On a voice vote, the Chair was in doubt and called for a division, 230 members having voted in the affirmative and 76 in the negative, the substitute motion was adopted.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to vendor check cashing policies.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Vendor Check Cashing Policies. Amend RSA by inserting after chapter 358-L the following new chapter:

CHAPTER 358-M

VENDOR CHECK CASHING POLICIES

358-M:1 Vendor Check Cashing Policies. Any vendor doing business in this state requiring a customer to present a major credit card as a form of identification when paying by check shall be prohibited from recording the number or other information from this card. Any vendor who violates this section shall be guilty of a violation and, notwithstanding RSA 651:2, may be fined up to \$100.

2 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill prohibits vendors from recording information from credit cards presented by customers as a form of identification when paying by check.

Amendment adopted.

Ordered to third reading.

HB 1074, relative to annual audits of consumer cooperative associations. **OUGHT TO PASS WITH AMENDMENT.**

This bill merely reflects the effects of inflation on specified dollar amounts and the need for limited government intervention into the business affairs of consumer cooperatives. Currently, the law requires all consumer cooperative associations to have an audit performed by qualified independent accountants if the annual business of the association exceeds \$50,000. Given the cost of an independent audit and more importantly the "real" need for such a procedure, the law has been amended to require either an independent audit or review if the business of the association exceeds \$100,000, but is less than \$250,000; and an independent audit must be performed if the annual business of the association is in excess of \$250,000. Vote 14-3. Rep. Deborah L. Arnesen for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing sections 1 with the following:

1 When Audit May be Made by Committee. Amend RSA 301-A:30 to read as follows:

301-A:30 Annual Audit *or Review*. Every association shall cause its books to be audited *or reviewed* at the end of each year by qualified independent accountants who shall not be officers or directors. Where the annual business of the association amounts to less than [\$50,000] *\$100,000*, the audit may be made by a committee consisting of 3 members elected at the annual membership meeting. *Where the annual business of the association amounts to between \$100,000 and \$250,000, the association shall cause its books to be audited or reviewed. Where the annual business of the association amounts to more than \$250,000, the association shall cause its books to be audited.* A full report of the audit shall be submitted to the annual meeting of the association. The report shall include a statement of the amount of business transacted with members, the amount of business transacted with nonmembers, the balance sheet, and the income and expenses of the association.

Amendment adopted.

Ordered to third reading.

HB 1095-FN, relative to merchants' credit card policies. INEXPEDIENT TO LEGISLATE.

While sympathetic to what is an objectionable infringement on people's private affairs, the Committee found that loopholes in the bill would permit most merchants to request such personal identification as home address and phone number. If everyone who was asked to provide the information filed a complaint with the Attorney General's Office, its workload would be unmanageable. The Committee suggests that consumers complain to the issuers of their credit cards and/or take some other means of circumventing the merchant's request. Vote 9-5. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This bill establishes a study committee to address the problems inherent in the private passenger motor vehicle insurance market. Vote 13-1. Rep. Philip G. Rodgers for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill has many flaws. In the first place, it fails to clearly define its purpose. If this study is to address only the issue of auto insurance markets, then the insurance industry should perform its own study — no state support or sanction is necessary. If, however, the intent is to explore the entire auto accident, recovery and insurance question, then this Committee is stacked to reflect the views of the insurance industry. The Committee as constituted, is overly-populated with insurance representatives; nowhere in the legislation is there a requirement that any recognized consumer, legal or accident/victim organizations be appointed. Given the unbalanced nature of this Committee, any report issued may be of questionable value. Rep. Deborah L. Arnesen for the Minority of Commerce, Small Business and Consumer Affairs.

Ordered to third reading.

HB 1156, relative to the order of the placement of candidates' names on ballots. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

MAJORITY: This bill provides that the Secretary of State randomly select, every two years, the alphabetical order of candidates for state primary and general elections and state party conventions. The majority of the Committee believes the resultant listing on the ballot provides a measure of fairness to those candidates who otherwise are at a disadvantage ordinarily. Vote 7-4. Rep. Cynthia A. McGovern for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority of the Committee feels that this bill is not needed. Testimony indicated that it would help candidates when their names appeared at the top of the ballot. It will have no significant impact on voter participation. Reps. Carol H. Holden and LeRoy S. Dube for the Minority of Constitutional and Statutory Revision.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Order of Candidates' Names. Amend RSA 656:5 to read as follows:

656:5 Party Columns. The names of all candidates nominated in accordance with the election laws shall be arranged upon the state general election ballot in successive party columns. *The alphabetical order of all the candidates' surnames in the party columns shall be determined by the secretary of state once every 2 years, beginning in 1990. At 11:00 o'clock a.m. on the first day of the filing period for each state primary and general election, as provided in RSA 655:14 and 655:43 respectively, the secretary of state shall hold a public drawing in the secretary of state's office. The secretary of state shall randomly pick one letter of the alphabet at the public drawing, and he shall then proceed with listing all the candidates' surnames in the party columns according to the letter of the alphabet randomly picked at the public drawing. The alphabetical order to be used for that election year shall begin with the letter picked by the secretary of state.* Each separate column shall contain the names of the candidates of one party; except that, if only a part of a full list of candidates is nominated by a political party, 2 or more such lists may be arranged whenever practicable in the same column. The first column shall contain the names of the candidates of the party which received the largest number of votes at the last preceding state general election.

2 Order of State Representative Surnames. Amend RSA 656:24 to read as follows:

656:24 Order of Names. With the exception of the office of state representative, whenever there are 2 or more candidates for nomination to the same office, the names of such candidates shall be alternated on the state primary election ballots used so that each name shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list in which it belongs. [Names of candidates for nomination to the office of state representative shall be arranged in the alphabetical order of their surnames.] *At 11:00 o'clock a.m. on the first day of the filing period for each state primary and general election, as provided in RSA 655:14 and 655:43 respectively, the secretary of state shall hold a public drawing to randomly pick one letter of the alphabet. He shall then proceed with listing the surnames of the candidates for nomination to the office of state representative, and for delegates to each state party convention under RSA 653:6, according to the alphabetical order to be used for that election year, as determined pursuant to RSA 656:5.*

AMENDED ANALYSIS

This bill provides that the alphabetical order of all the candidates' surnames on state primary and general election ballots, and the alphabetical order of delegates to the state party convention, shall be determined by the secretary of state once every 2 years, beginning in 1990. On the first day of the filing period, the secretary of state holds a public drawing in his office to randomly pick one letter of the alphabet. The alphabetical order of candidates' names to be used for that election year shall begin with the letter picked by the secretary of state.

Amendment adopted.

Ordered to third reading.

HB 1313-FN, relative to mental health counselors. **INEXPEDIENT TO LEGISLATE.**

This bill would establish a certification process only for clinical mental health counselors. Other disciplines in this field strongly objected to singling out this group for certification. The testimony received by the Committee indicated an overwhelming objection to this legislation. The message received by this Committee is that there is need for the groups involved to come back to the next legislative session with an appropriate bill. Vote 15-1. Rep. Randall F. Shaw for Executive Departments and Administration.

Resolution adopted.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, will reduce confusion over the nature and scope of the Boards of Medicine and Pharmacy and their authority to investigate and hear complaints of licensee misconduct. It also authorizes the Board of Medicine to establish fines for administrative and disciplinary actions, and other housekeeping actions. The amendment deletes the authority of the Board of Medicine to appoint a non-physician to preside at an adjudicative hearing. The amendment also deletes references to athletic trainers and the establishment of an athletic trainers advisory committee. It was felt that the issues raised regarding athletic trainers could be better served with a separate piece of legislation next year, and encourages the Board of Medicine to do so. Vote 15-0. Rep. Maurice E. Goulet for Executive Departments and Administration.

Amendment

Amend RSA 329:9, XII as inserted by section 5 of the bill by replacing it with the following:

XII. The certification [and temporary certification] of *emergency medical technicians-paramedics, and other* paramedical personnel, as provided for in RSA 329:[21, XII] **31-a**;

Amend RSA 329:17, V-a as inserted by section 15 of the bill by replacing it with the following:

V-a. A medical review subcommittee of 5 members shall be nominated by the board of registration in medicine and appointed by the governor and council. The subcommittee shall consist of one physician member of the board of registration in medicine and 4 other persons, no more than 3 of whom shall be physicians. Any public member of the subcommittee shall be a person who is not, and never was, a

member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The initial subcommittee members shall be appointed for the following terms: one member shall serve a one-year term; 2 members shall serve a 2-year term; and 2 members shall serve a 3-year term. All subsequent terms shall be for 3 years. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section. Following review of each case, the subcommittee shall [render its decisions and] make recommendations to the board. *The board shall notify the complainant, in writing within 30 days with an authorized signature, of any action taken.*

Amend RSA 329:18, I as inserted by section 17 of the bill by replacing it with the following:

I. The board shall have authority to investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

Amend RSA 329:18, IV and V as inserted by section 17 of the bill by replacing it with the following:

IV. The board may administer oaths or affirmations, preserve testimony and issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records, as provided in paragraph V, may be issued at any time. Subpoenas issued under this paragraph shall be served in accordance with the procedures and fee schedules used in superior court, except that the board may serve any licensee of the board by certified mail. Such licensee shall not be entitled to a witness fee or mileage expenses for travel within the state. A subpoena issued by the board shall be valid if it is annotated "Fees Guaranteed by the New Hampshire Board of Registration in Medicine." A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this paragraph.

V. The board may at any time subpoena medical and pharmacy records from its licensees and from dentists, pharmacies, hospitals and other health care providers or facilities licensed or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 14 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

Amend RSA 329:18, VII as inserted by section 17 of the bill by replacing it with the following:

VII. The board may hold adjudicative hearings concerning any allegations of misconduct or other matter within the scope of this chapter. Any member of the board shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

Amend RSA 318:30, I as inserted by section 18 of the bill by replacing it with the following:

I. The board shall have authority to investigate possible misconduct by licensees and other matters within the scope of this chapter and RSA 318-B. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

Amend RSA 318:30, IV and V as inserted by section 18 of the bill by replacing it with the following:

IV. The board may administer oaths or affirmations, preserve testimony and issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical or pharmacy records, as provided in paragraph V, may be issued at any time. Subpoenas issued under this paragraph shall be served in accordance with the procedures and fee schedules used in superior court, except that the board may serve any licensee of the board by certified mail. Such licensee shall not be entitled to a witness fee or mileage expenses for travel within the state. A subpoena issued by the board shall be valid if it is annotated "Fees Guaranteed by the New Hampshire Board of Pharmacy." A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this paragraph.

V. The board may at any time subpoena medical and pharmacy records from its licensees and from physicians, dentists, veterinarians, hospitals and other health care providers or facilities licensed or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 14 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

Amend RSA 329:31-a as inserted by section 19 of the bill by replacing it with the following:

329:31-a Certification. The board shall approve and certify emergency medical technicians-paramedics or other paramedical personnel. However, such persons shall practice only while under the supervision and control of a physician licensed in this state.

Amend the bill by replacing section 21 with the following:

21 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill makes certain technical changes in the law relative to the board of registration in medicine. In addition, the bill makes the following changes:

(1) Deletes the requirement that graduates of foreign medical schools complete a year of supervised clinical training in the United States before serving as a resident on a hospital staff.

(2) Repeals the requirement that a person be a citizen of the United States at the time of enrollment to medical school before he may be admitted to examination by the board.

(3) Extends the conditional licensure period from 6 months to 12 months for applicants from other states and countries.

(4) Authorizes the board to establish fines for administrative and disciplinary actions.

(5) Adds a vice president to the officers of the board and extends the period for which such officers shall serve from 1 year to 3 years.

(6) Repeals the advisory committee to the board.

(7) Doubles the renewal license fee for a licensee who fails to renew his license on time.

(8) Adds 3 consumer complaints as a reason for the board to investigate any licensee.

(9) Requires the board to certify emergency medical technicians-paramedics or other paramedical personnel.

This bill also clarifies certain procedures followed by the board of registration in medicine and the pharmacy board and implements certain new procedures for each board. The bill codifies each board's authority to conduct formal or informal investigations and provides that the information gathered pursuant to an investigation is exempt from RSA 91-A, except to the extent that it later becomes the subject of a public disciplinary hearing. Such information may be disclosed for law enforcement purposes, to health licensing agencies, or in response to specific court orders. Investigations may be conducted by each board in an ex parte manner, that is, without notice to the affected party.

The bill declares that each board may subpoena medical or pharmacy records, as appropriate, at any time and that such subpoenas may be served by certified mail.

The bill further declares that complaints of misconduct may be settled by each board without the consent of the complainant if the facts are not in dispute. The bill requires that any final actions taken by each board be reduced to writing and served to the parties before becoming public.

For the board of registration in medicine, the bill expands the time period that a license may be suspended pending a hearing for cases involving imminent danger to life or health from 90 days to 120 days.

This bill was requested by the board of registration in medicine and the pharmacy board.

Amendment adopted.

Ordered to third reading.

HB 1061-FN, relative to old age assistance and aid to the permanently and totally disabled. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.

MAJORITY: The Committee recommends Interim Study for this bill because: (1) mandating that municipalities must provide assistance to those also receiving state benefits under Old Age Assistance and/or Aid to the Totally and Permanently Disabled (APTD) may be a violation of Part First, Article 28-a of the New Hampshire

Constitution prohibiting unfunded state mandates; (2) the laws affected by the bill are currently being challenged in a federal lawsuit which alleges the laws are unconstitutional; and (3) the issues involved are so complex as to require much more scrutiny before the Committee can feel confident in recommending change in existing law. Vote 11-6. Rep. Joe B. Parks for the Majority of Health, Human Services and Elderly Affairs.

MINORITY: The purpose of this bill is to correct an injustice in the current law which singles out old and disabled state aid recipients for discriminatory treatment. A small number of cities and towns are denying needy citizens emergency local welfare assistance. The minority felt that needless suffering by these few could be avoided while waiting for the courts to determine assistance for these two vulnerable groups. Reps. Marion L. Copenhaver, Toni Pappas, Joseph A. MacDonald, Nancy G. Frank, Katherine W. Wheeler and Alphonse A. Haettenschwiler for the Minority of Health, Human Services and Elderly Affairs.

Report adopted.

HB 1107-FN, relative to interception of wire or oral communications regarding securities fraud. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, authorizes the Attorney General to intercept wire and oral communications during the investigation of securities fraud, securities takeover disclosure, solid waste and hazardous waste violations. It also limits the applicability of the Statute of Limitations in RSA 616 to cases brought under that chapter. Vote 12-5. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

Amend the bill by replacing all after the enacting clause with the following:

1 Interception of Wire or Oral Communications; Solid or Hazardous Waste Violations; Securities Fraud. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Wire or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of wire or oral communications by law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, *criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13*, robbery as defined in RSA 636:1, arson as defined in RSA 634:1,

hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, [or] dealing in narcotic drugs, marijuana, or other dangerous drugs, *solid waste violations under RSA 149-M:10, 1 and I-a, hazardous waste violations under RSA 147-A:4, I*, or any conspiracy to commit any of the foregoing offenses.

2 Interception of Wire or Oral Communications. Amend RSA 570-A:2, II(d) to read as follows:

(d) An investigative or law enforcement officer in the ordinary course of his duties pertaining to the conducting of investigations of organized crime, offenses enumerated in this chapter, *solid waste violations under RSA 159-M:10, 1 and I-a*, or harassing or obscene telephone calls to intercept a wire or oral communication, when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the attorney general, the deputy attorney general, or an assistant attorney general designated by the attorney general determines that there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception. Oral authorization for the interception may be given and a written memorandum of said determination and its basis shall be made within 72 hours thereafter. The memorandum shall be kept on file in the office of the attorney general.

3 Limitation of Action; Penalties and Forfeitures. Amend RSA 616:9 to read as follows:

616:9 Limitation of Action. All suits or prosecutions founded upon any penal statute for penalties or forfeitures shall be brought within 2 years after the commission of the offense, unless otherwise specially provided. *This section shall apply only to suits or prosecutions brought under this chapter.*

4 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill clarifies that the 2 year statute of limitations on actions to recover pecuniary penalties and forfeitures applies only to actions brought under RSA 616.

This bill allows the attorney general, deputy attorney general, or a county attorney, with the written approval of the attorney general or deputy attorney general, to apply for a court order to intercept wire or oral communications which may provide evidence of certain solid waste or hazardous waste violations or of securities fraud.

This bill was requested by the department of justice.

Amendment adopted.

Ordered to third reading.

HB 1157-FN, relative to capital murder. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

MAJORITY: The majority of the Committee was opposed to adding new crimes to the Capital Murder Statute. There were also questions related to procedure and a feeling that current law was adequate to address the problem. Vote 9-8. Rep. Elizabeth D. Lown for the Majority of Judiciary.

MINORITY: The minority of the Committee believes that the crimes of murder committed during rape or drug offenses are so serious as to warrant the death penalty. The crime of rape in itself should not be tolerated by society; rape coupled with murder should never be forgiven. If we can ever win the war on drugs then in fact we

must fight it as a war. Some of the most violent and heinous crimes are related to drugs. We need to send the strongest of messages to those who would commit these crimes. Section 3 of the amendment is as was basically requested by the Attorney General's Office. It is a procedural section, which it feels better defines the procedures used in capital murder trials. Reps. Shawn N. Jasper, Thomas U. Gage, David D. Hultgren, Daniel J. Healy, C. William Johnson, Alice B. Record and W. Kent Martling for the Minority of Judiciary.

Rep. Jasper moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Burling spoke against the motion.

Rep. Phelps spoke in favor of the motion and yielded to questions.

Rep. Lozeau spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 182

YEAS 182

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Rosen, Ralph J.

Golden, Paul A.
Maviglio, Steven R.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Blacketor, Paul G.
Gordon, Irvin H.
Morse, Jo-Ann T.
Young, David A.

Cole, Stacey W.
Hunt, John B.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Merrill, Gerald

GRAFTON

Bean, Pamela B.
Dow, David
Scanlan, David M.
Ward, Kathleen W.
White, Paul R.

Brown, Channing T.
Driscoll, William J.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet Gail
Cox, Gladys M.
Desrochers, Gerard T.
Donovan, Francis X.

Alukonis, David J.
Bowers, Dorothy C.
Culbert, Patrick
Dodge, Emma M.
Drolet, Paul L.

NAYS 140

Hardy, Earle D.
Randall, Kenneth A.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Crutchley, Donald O.
Laurent, John J.
Sawyer, Alfred P.

Dumont, Robert E.
Lemire, George
Therault, Romeo J.

Christy, C. Dana
Larson, Nils H., Jr.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Andrews, Frederick B.
Cowenhoven, Garret P.
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dyer, Merton S.

Dykstra, Leona
 Foote, Herbert N., Sr.
 Holden, Carol H.
 Knight, Alice Tirrell
 Leclerc, Charles J.
 McCann, Bonnie Lou
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Riley, Frances L.
 Scarles, Stanley N., Sr.
 Vanderlosk, Stanley R.

Elliott, Larry G.
 Goulet, Maurice E.
 Hultgren, David D.
 Kurk, Neal M.
 Lefebvre, Roland J.
 McDowell, James E.
 Ouellette, Robert O.
 Provost, Gilles R.
 Rodgers, G. Philip
 Tarpley, Nancy L.
 Wheeler, David K.

Fields, Dennis H.
 Healy, Daniel J.
 Jasper, Shawn N.
 Lawrence, Norman B.
 Mason, Howard F.
 McNerney, Daniel P.
 Packard, Bonnie B.
 Record, Alice Barnard
 Schneiderat, Catherine
 Upton, Barbara Allen
 Young, Willard N.

MERRIMACK

Barberia, Richard A.
 Johnson, C. William
 Pantzer, Eugene
 Provencal, Leo A.
 Stio, Peter M.

Bennett, J. Allen
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Shaw, Randall F.
 Trombly, Rick A.

Daneault, Gabriel
 Nichols, Avis B.
 Phelps, James D.
 Smith, Gerald R.
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Campbell, Eunice M.
 Conroy, Janet M.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McKinney, Betsy
 Rosencrantz, James R.
 Seward, Russell G.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wright, David B.

Benton, Richardson D.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Hoar, John, Jr.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Roulston, Donald L.
 Sherburne, John L.
 Sytek, Donna
 Warburton, Calvin

Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 McCarthy, John James, Jr.
 Raynowska, Bernard J.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.

STRAFFORD

Appleby, James E.
 Foss, Patricia H.
 Marston, Robert E.
 Sullivan, Henry P.
 Young, John B.

Bickford, Drucilla
 Frechette, Roland A.
 Martling, W. Kent
 Swope, Warren L.

Dionne, Albert J.
 Kinney, Paula J.
 Stewart, Glenn W.
 Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

NAYS 140 BELKNAP

Campbell, Richard H., Jr.
Rice, Thomas, Jr.
Vogler, Charles C.

Hawkins, Robert S.
Salatiello, Thomas

Pearson, Ralph W.
Turner, Robert H.

CARROLL

Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Grodin, Richard A.
Matson, William R.
Spear, Susan

Cole, Kenneth A.
Hill, Douglas E.
Metzger, Katherine H.

Delano, Robert F.
LaMar, David M.
Pearson, Gertrude B.

COOS

Kilbride, Dennis J.

Mayhew, Josephine

Nelson, Harold D.

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Markley, J. Keith
Stewart, Roger

Arnesen, Deborah L.
Copenhaver, Marion L.
Nordgren, Sharon
Townsend, Howard C.

Bennett, Shirley M.
Densmore, Edward D.
Rose, William B.

HILLSBOROUGH

Amidon, Eleanor H.
Cote, David E.
Dwyer, Patricia R.
Ford, Nancy M.
Gerow, Sezen M.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Jean, Romeo W.
Keefe, Edmund M.
Lawrence, Eva M.
McRae, Karen
Morrissette, Roland
Pappas, Toni
Prestipino, Bartolo V.
Smith, Leonard A.
Turgeon, Roland M.

Baldizar, Barbara J.
Desrosiers, William J.
Emerton, Lawrence
Frank, Nancy G.
Green, Scott E.
Haettenschwiller, A. A.
Harlan, Susan N.
Jenkins, Mary
King, John A.
Lown, Elizabeth
Messier, Irene M.
Murphy, Robert E.
Perham, Lester R.
Robinson, Ellen-Ann
Soucy, Lillian E.
Wright, George W.

Burkush, Peter
Dube, Ellen C.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Grip, Robert H.
Hall, Betty B.
Hunter, Bruce F.
Johnson, Lionel W.
Lachut, Ervin R.
Lozeau, Donnalee
Moore, Elizabeth A.
Nardi, Theodora P.
Pignatelli, Debora B.
Sallada, Roland A.
Spaloss, Henry F.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Teague, Bert

Bardsley, Elizabeth S.
Braiterman, Thea
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Jacobson, Alf E.
Lockwood, Robert A.

Beaton, Nancy
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Soldati, Jennifer

ROCKINGHAM

| | | |
|------------------------|--------------------------|-----------------------|
| Bell, Juanita | Blanchard, MaryAnn N. | Boucher, William Paul |
| Brown, Jeffrey M. | Caswell, Albert, Jr. | Cote, Patricia L. |
| Dube, LeRoy S. | Felch, Charles H., Sr. | Fesh, Robert M. |
| Greene, Elizabeth A. | Hollingworth, Beverly A. | MacDonald, Maurice B. |
| Mace, Ada L. | McCain, William F. | McGovern, Cynthia A. |
| Palazzo, Frank J., Sr. | Parr, Ednapearl F. | Parsons, Robert F. |
| Popov, Elizabeth M. | Remick, Barbara R. | Ritzo, Eugene |
| Vaughn, Charles L. | Weddle, Michael Rodney | Weyler, Kenneth L. |

STRAFFORD

| | | |
|-------------------------|--------------------------|------------------------|
| Bernard, Mary E. | Brown, Julie M. | Burton, Wayne M. |
| Flynn, Anita A. | Flynn, Edward J. | Gilmore, Gary |
| Keans, Sandra Balomenos | Merrill, Amanda | O'Brien, John |
| Parks, Joe B. | Pelley, Janet R. | Scharff, Thomas Edward |
| Vincent, Francis C. | Wheeler, Katherine Wells | |

SULLIVAN

Burling, Peter Hoe.,
and the substitute motion was adopted.

Amendment

Amend RSA 630:5, I-VII as inserted by section 3 of the bill by replacing them with the following:

I. Whenever the state intends to seek the sentence of death for the offense of capital murder, the attorney for the state, before trial or acceptance by the court of a plea of guilty, shall file with the court and serve upon the defendant, a notice:

(a) That the state in the event of conviction will seek the sentence of death; and

(b) Setting forth the aggravating factors enumerated in paragraph VII of this section and any other aggravating factors which the state will seek to prove as the basis for the death penalty.

The court may permit the attorney for the state to amend this notice for good cause shown. Any such amended notice shall be served upon the defendant as provided in this section.

II. When the attorney for the state has filed a notice as required under paragraph I and the defendant is found guilty of or pleads guilty to the offense of capital murder, the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted:

(a) Before the jury which determined the defendant's guilt;

(b) Before a jury impaneled for the purpose of the hearing if:

(1) the defendant was convicted upon a plea of guilty; or

(2) the jury which determined the defendant's guilt has been discharged for good cause; or

(3) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary.

A jury impaneled under subparagraph (b) shall consist of 12 members, unless at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than 12.

III. When a defendant is found guilty of or pleads guilty to the offense of capital murder, no presentence report shall be prepared. In the sentencing hearing, information may be presented as to matters relating to any of the aggravating or mitigating factors set forth in paragraphs VI and VII, or any other mitigating factor or any other aggravating factor for which notice has been provided under subparagraph I(b). Where information is presented relating to any of the aggravating factors set forth in paragraph VII, information may be presented relating to any other aggravating factor for which notice has been provided under subparagraph I(b). Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial, or at the trial judge's discretion. Any other information relevant to such mitigating or aggravating factors may be presented by either the state or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The state and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors and as to appropriateness in that case of imposing a sentence of death. The state shall open and the defendant shall conclude the argument to the jury. The burden of establishing the existence of any aggravating factor is on the state, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the evidence.

IV. The jury shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factors set forth in paragraph VII, which are found to exist. If one of the aggravating factors set forth in subparagraph VII(a) and another of the aggravating factors set forth in subparagraphs VII(b) - (j) is found to exist, a special finding identifying any other aggravating factor for which notice has been provided under subparagraph I(b) may be returned. A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this section, regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If an aggravating factor set forth in subparagraph VII(a) is not found to exist or an aggravating factor set forth in subparagraph VII(a) is found to exist but no other aggravating factor set forth in paragraph VII is found to exist, the court shall impose a sentence of life imprisonment without possibility of parole. If an aggravating factor set forth in paragraph VII(a) and one or more of the aggravating factors set forth in paragraph VII(b) - (j) are found to exist, the jury shall then consider whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote shall recommend that a sentence of death be imposed rather than a sentence of life imprisonment without possibility of parole. The jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

V. Upon the recommendation that the sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence of life imprisonment without possibility of parole.

VI. In determining whether a sentence of death is to be imposed upon a defendant, the jury shall consider mitigating factors, including the following:

(a) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

(b) The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

(c) The defendant is punishable as an accomplice (as defined in RSA 626:8) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

(d) The defendant was youthful, although not under the age of 18.

(e) The defendant did not have a significant prior criminal record.

(f) The defendant committed the offense under severe mental or emotional disturbance.

(g) Another defendant or defendants, equally culpable in the crime, will not be punished by death.

(h) The victim consented to the criminal conduct that resulted in the victim's death.

(i) Other factors in the defendant's background or character mitigate against imposition of the death sentence.

VII. If the defendant is found guilty of or pleads guilty to the offense of capital murder, the following aggravating factors are the only aggravating factors that shall be considered, unless notice of additional aggravating factors is provided under subparagraph I(b):

(a) The defendant:

(1) purposely killed the victim;

(2) purposely inflicted serious bodily injury which resulted in the death of the victim;

(3) purposely engaged in conduct which;

(A) the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense; and

(B) resulted in the death of the victim.

(b) The defendant has been convicted of another state or federal offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by law.

(c) The defendant has previously been convicted of 2 or more state or federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

(d) The defendant has previously been convicted of 2 or more state or federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

(e) In the commission of the offense of capital murder, the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offense.

(f) The defendant committed the offense after substantial planning and premeditation.

(g) The victim was particularly vulnerable due to old age, youth, or infirmity.

(h) The defendant committed the offense in an especially heinous, cruel or depraved manner in that it involved torture or serious physical abuse to the victim.

(i) The murder was committed for pecuniary gain.

(j) The murder was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from lawful custody.

AMENDED ANALYSIS

This bill adds to the list of offenses which constitute capital murder the offenses of (1) knowingly causing the death of another in connection with committing or attempting to commit aggravated felonious sexual assault; and (2) knowingly causing the death of another in connection with committing or attempting to commit certain drug-related offenses.

This bill revises the current procedure for sentencing in capital murder cases where the state seeks to have the death penalty imposed.

Amendment adopted.

Ordered to third reading.

CACR 21, relating to the term of the governor. Providing that the term shall be 4 years. **OUGHT TO PASS WITH AMENDMENT.**

The Committee felt that the voters should be given a chance to vote on increasing the gubernatorial term to four years. Originally, New Hampshire's governors were elected annually. In 1877, biennial elections were adopted after being rejected by the voters in 1850. This question has been on the ballot three times in 1970, 1982 and 1984. In 1984 more than 62 percent of the voters favored this amendment to the Constitution. This Concurrent Resolution was amended to provide that, if adopted by the voters, the first four-year term for governor would begin in January 1995. Vote 6-3. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Amendment

Amend the resolution by replacing paragraph I with the following:

I. That article 42 of the second part of the constitution be amended to read as follows:

[Art.]42 [Election of Governor; Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor]. The governor shall be chosen [biennially] **every 4 years** in the month of November[; and], **beginning in 1994**. The votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators[; and]. The secretary *of state* shall [lay the same before] **present the results to** the senate and house of representatives[.] on the first Wednesday following the first Tuesday of January to be by them examined[, and]. In case of an election by a plurality of votes [through] **throughout** the state, the [choice shall be by them declared and published]**general court shall declare and publish the name of the winner**. [And] The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the [two] **2** persons, having the highest number of votes, who shall be declared governor. [And] No person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this state for **7** years next preceding, and unless he shall be of the age of **30** years.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide for electing the governor every 4 years, beginning in 1994?

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the term of the governor be 4 years.

If adopted by the general court and the voters, the first 4 year term for governor would begin in January 1995.

Rep. Scott Green spoke against the report.

Reps. Keans and Pepino spoke in favor of the report and yielded to questions.

Rep. Holden spoke in favor of the report.

Amendment adopted.

On a division vote, 230 members having voted in the affirmative and 93 in the negative, CACR 21 failed, lacking the constitutionally-required three-fifths.

Rep. Gross moved that CACR 21 be laid on the table.

A roll call was called for. Sufficiently seconded.

YEAS 255

NAYS 72

YEAS 255 BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Randall, Kenneth A.
Salatiello, Thomas
Ziegra, Alice S.

Golden, Paul A.
Maviglio, Steven R.
Richardson, Lawrence
Turner, Robert H.

Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Blacketor, Paul G.
Foster, Katherine Davis
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Crutchley, Donald O.
Gordon, Irvin H.
Matson, William R.
Pearson, Gertrude B.
Spear, Susan

Delano, Robert F.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Mayhew, Josephine
Therault, Romeo J.

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald

Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
LaMott, Paul I.
Scanlan, David M.

Arnesen, Deborah L.
Brown, Channing T.
Densmore, Edward D.
Larson, Nils H., Jr.
Teschner, Douglass P.

Bean, Pamela B.
Chambers, Mary P.
Driscoll, William J.
Nordgren, Sharon
Townsend, Howard C.

Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Ward, Kathleen W.
White, Paul R.

Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Burkush, Peter
Cox, Gladys M.
Desrosiers, William J.
Drolet, Paul L.
Dyer, Merton S.
Fields, Dennis H.
Gerow, Sezen M.
Grip, Robert H.
Hall, Betty B.
Holden, Carol H.
Jenkins, Mary
King, John A.
Lawrence, Eva M.
Lozeau, Donnalee
McDowell, James E.
Moore, Elizabeth A.
Packard, Bonnie B.
Pignatelli, Debora B.
Record, Alice Barnard
Schneiderat, Catherine
Soucy, Lillian E.
Turgeon, Roland M.
Young, Willard N.

Amidon, Eleanor H.
Barry, Janet Gail
Cote, David E.
Culbert, Patrick
Dodge, Emma M.
Dube, Ellen C.
Elliott, Larry G.
Flood, Jacqueline J.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Hunter, Bruce F.
Johnson, Lionel W.
Knight, Alice Tirrell
Lefebvre, Roland J.
Mason, Howard F.
McRae, Karen
Murphy, Robert E.
Pappas, Toni
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Spaloss, Henry F.
Upton, Barbara Allen

Andrews, Frederick B.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Daigle, Robert Arthur
Donovan, Francis X.
Dwyer, Patricia R.
Emerton, Lawrence
Ford, Nancy M.
Green, Scott E.
Haettenschwiller, A. A.
Harlan, Susan N.
Jean, Romeo W.
Keefe, Edmund M.
Lachut, Ervin R.
Lown, Elizabeth
McCann, Bonnie Lou
Messier, Irene M.
Nardi, Theodora P.
Perham, Lester R.
Provost, Gilles R.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy
Daneault, Gabriel
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Johnson, C. William
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Trombly, Rick A.

Apple, Lowell D.
Bennett, J. Allen
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
Wallner, Mary Jane

Bardsley, Elizabeth S.
Carter, Susan D.
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Jacobson, Alf E.
Lockwood, Robert A.
Pantzer, Eugene
Provencal, Leo A.
Teague, Bert
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Boucher, William Paul
Campbell, Marilyn R.
Cote, Patricia L.
Flanders, Harry E.
Gage, Thomas U.
Hoelzel, Kathleen M.

Bell, Juanita
Brown, Lewis W.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
Hollingworth, Beverly A.

Blanchard, MaryAnn N.
Campbell, Eunice M.
Cooke, Annette M.
Flanagan, Natalie S.
Gage, Beverly A.
Hoar, John, Jr.
Hynes, Carolyn E.

Katsakiores, George N.
Klemm, Arthur P., Jr.
MacDonald, Maurice B.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Popov, Elizabeth M.
Rosencrantz, James R.
Seward, Russell G.
Sochalski, Matthew M.
Weddle, Michael Rodney

Katsakiores, Phyllis
Lovejoy, Virginia K.
Mace, Ada L.
McCain, William F.
Parr, Ednapearl F.
Raynowska, Bernard J.
Roulston, Donald L.
Sherburne, John L.
Sytek, Donna
Weyler, Kenneth L.

Klemarczyk, Thaddeus E.
MacDonald, Joseph A.
Magoon, Harold F.
McCarthy, John James, Jr.
Parsons, Robert F.
Remick, Barbara R.
Senter, Merilyn P.
Skinner, Patricia M.
Tufts, J. Arthur
Wright, David B.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Foss, Patricia H.
Keans, Sandra Balomenos
Martling, W. Kent
Parks, Joe B.
Spencer, Leo J.
Wheeler, Katherine Wells

Bernard, Mary E.
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
Merrill, Amanda
Pelley, Janet R.
Stewart, Glenn W.
Young, John B.

Bickford, Drucilla
Flynn, Edward J.
Gilmore, Gary
Marston, Robert E.
O'Brien, John
Scharff, Thomas Edward
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Burling, Peter Hoe
Krueger, Richard H.
Peyron, Fredrik

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 72

BELKNAP

Campbell, Richard H., Jr.

Hardy, Earle D.

Rice, Thomas, Jr.

CARROLL

Chandler, Gene G.

Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Hill, Douglas E.

Cole, Kenneth A.
LaMar, David M.

Cole, Stacey W.
Laurent, John J.

COOS

Buckley, C. Fitzgerald, III
Woodburn, Jeffrey R.

Lemire, George

Nelson, Harold D.

GRAFTON

Christy, C. Dana
Rose, William B.

Dow, David
Stewart, Roger

Markley, J. Keith

HILLSBOROUGH

Alukonis, David J.
Dykstra, Leona
Gagnon, Gabrielle V.
Jasper, Shawn N.
McNerney, Daniel P.
Paquette, Rodolphe G.
Rodgers, G. Philip

Desrochers, Gerard T.
Foote, Herbert N., Sr.
Healy, Daniel J.
Lawrence, Norman B.
Morrissette, Roland
Pepino, Leo P.
Wheeler, David K.

Domaingue, Jacquelyn
Frank, Nancy G.
Hultgren, David D.
Leclerc, Charles J.
Ouellette, Robert O.
Riley, Frances L.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Kidder, William F.

Boucher, Laurent J.
Smith, Gerald R.

Braiterman, Thea
Soldati, Jennifer

ROCKINGHAM

Benton, Richardson D.
Chase, Lawrence A., Jr.
Ford, Bert H.
Johnson, Robert A.
Micklon, Stephanie K.
Vartanian, Elsie
Welch, David A.

Brown, Jeffrey M.
Dube, LeRoy S.
Forsythe, Douglas G.
MacKinnon, Nancy W.
Palazzo, Frank J., Sr.
Vaughn, Charles L.

Caswell, Albert, Jr.
Fesh, Robert M.
Haynes, Richard L.
McKinney, Betsy
Ritzo, Eugene
Warburton, Calvin

STRAFFORD

Brown, Julie M.
Swope, Warren L.

Dionne, Albert J.
Torr, Ann M.

Sullivan, Henry P.

SULLIVAN

Flint, Gordon B.,

and the motion was adopted by the necessary three-fifths (House Rule 19).

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children. **OUGHT TO PASS WITH AMENDMENT.**

The bill, as presented had no statement of "findings and purposes," and the Committee amended it to provide one. The bill, as originally drafted, had no limit to the period in which prosecutions could be brought for sexual offenses against children; the Committee felt a limitation period of 22 years after the victim's 18th birthday was appropriate. As amended, this bill is an important change in our law relating to sexual offenses against children. Vote 15-1. Reps. Alice B. Record and Peter H. Burling for Judiciary.

Rep. Thomas Gage moved that HB 1245 be made a Special Order for Thursday, February 15 and spoke to his motion.

On a voice vote, the Chair was in doubt and called for a division, 248 having voted in the affirmative and 30 in the negative, the motion was adopted.

HB 1289-FN, relative to DWI offenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

MAJORITY: This bill is the omnibus DWI bill promised by the Committee. Section one corrects a problem which exists in current law. The change would allow blood and urine samples to be tested in any capable laboratory. Section 2 requires that a driver who loses his/her license for a drug or alcohol offense shall not have his/her license restored until all of his/her financial obligations are met. Sections 3, 4 and 5 deal with refusal of consent. Under this bill the loss of license for a first refusal would double from 90 to 180 days. For a second refusal the revocation period would increase to two years. The remainder of the bill deals with a program name change which is necessary to comply with federal regulations. Vote 13-5. Rep. Shawn N. Jasper for the Majority of Judiciary.

MINORITY: The minority of the Committee believes that the idea of an omnibus bill was a good idea. However, parts of this bill make major changes without enough study. In dealing with eight different DWI bills, the Committee took no less than 12 votes to finally get this amendment. There is a more divided opinion on the Commit-

tee than the final vote indicates. The vote for Interim Study lost 7-11. We have shown, as a state, in the last four years to be responsive to the DWI problem. Let's not be hasty to change now! Rep. Sandra B. Keans for the Minority of Judiciary.

Rep. Thomas Gage moved that HB 1289 be made a Special Order for Thursday, February 15 and spoke to his motion.

Motion adopted.

HB 1052, authorizing withdrawal of water from Lake Sunapee and Echo Lake for the ski resorts. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, authorizes the Department of Resources and Economic Development to exercise the public trust rights in withdrawing water from Lake Sunapee and Echo Lake for the purpose of snowmaking at Mount Sunapee and Cannon Mountain respectively.

The Department of Environmental Services shall monitor such water withdrawal and shall require a reduction of withdrawal if necessary for the preservation of water quality, environmental quality or habitat protection.

This authorization and oversight responsibilities were agreed to with the concurrence of the Attorney General's Office and the Bureau of Environmental Protection. The need for such authorization of water use is outlined in the letter of August 2, 1989 from the Attorney General's Office to the Department of Environmental Services. Vote 12-2. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Use of Water. The department of resources and economic development shall be authorized to exercise the public trust rights in Lake Sunapee, situated in part in the town of Newbury, and in Echo Lake, situated in the town of Franconia, to the extent of making reasonable withdrawal of water for snowmaking at Mount Sunapee and Cannon Mountain ski resorts, respectively.

2 Monitoring Withdrawal. The department of environmental services shall monitor withdrawal made pursuant to section 1 of this act and, if the department determines that a reduction or other similar modification of such withdrawal is necessary for the preservation of water quality, environmental quality or habitat protection, the department of resources and economic development shall, pursuant to written notice and order, reduce or similarly modify its withdrawal, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department of environmental services and a decision is made to extend such order. The department of environmental services shall adopt rules, under RSA 541-A, establishing criteria and procedures for issuing such orders, for such special hearings and for making such decisions.

3 Private Right. This act shall not affect any private right in Lake Sunapee or Echo Lake, and shall not relieve the department of resources and economic development from compliance with laws or regulations under the state's police power otherwise applicable.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the department of resources and economic development to make reasonable withdrawals of water from Lake Sunapee and Echo Lake for snowmaking purposes at Mount Sunapee ski resort and the Cannon Mountain ski resort, respectively.

The department of environmental services shall monitor the withdrawals and may issue reduction orders, if it is determined that such action is necessary to preserve water quality, environmental quality or habitat protection.

Amendment adopted.

Ordered to third reading.

HB 1309, authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snowmaking. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

MAJORITY: This bill, as amended, authorizes the Gunstock Ski Area to withdraw water from Lake Winnepesaukee for the purpose of snowmaking. The Department of Environmental Services shall monitor such withdrawal of water and may require reduction in the rate of withdrawal if necessary for the preservation of water quality, environmental quality or habitat protection.

The Gunstock Area is under an order from the Department of Environmental Services to install a sewer line from the ski area to the Winnepesaukee River Basin Project interceptor adjacent to the lake. Although the area presently does not anticipate expanding its snowmaking, considerable savings for the Belknap County taxpayers would result if the line for water withdrawal could be laid in the same trench as the sewer line. Therefore, the majority of the Committee believes that authorization for water withdrawal is justified at this time.

Furthermore, the authorization for withdrawal and oversight responsibilities of the Department of Environmental Services were agreed to with the concurrence of the Attorney General's Office and the Department of Environmental Services. The need for such authorization of water use is outlined in the letter of August 2, 1989 from the Attorney General's Office to the Department of Environmental Services. Vote 11-6. Rep. Howard C. Dickinson for the Majority of Resources, Recreation and Development.

MINORITY: Last summer, the Attorney General issued an opinion that said, in essence, that "unreasonable" withdrawals of public waters need to be approved by the Legislature. In response, the Committee and the House wisely voted unanimously this session to examine the repercussions of the Attorney General's decision and to develop a state water policy that the Legislature could enact next session.

Thus, this legislation puts the cart before the horse. It gives the Gunstock Area permission to withdraw millions of gallons of water from Lake Winnepesaukee via a pipeline before the state develops a water policy. Why then the need for this legislation now? Gunstock officials testified they did not have the funds to pay for the costly pipeline system nor for the "future expansion" this chemical-based snowmaking system is designed for. Further, the "safeguards" in the amendment are vague and do not limit the quantity of public waters that can be used for private interests. The minority believes strongly that the Legislature should carefully study water policy before doling out water rights to private interests. Reps. Steven R. Maviglio, Mary Ann Lewis, Donald L. Roulston, Carol M. Stamatakis, Kenneth A. Cole and Robert E. Marston for the Minority of Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Gunstock Area. The Gunstock Area of Gilford and its successors and assigns is hereby authorized to take water from Lake Winnepesaukee, partly situated in the town of Gilford, for purposes of implementing a system of snowmaking and other activities incidental to present and future ski area operations.

2 Monitoring of Water Withdrawal. The state department of environmental services shall monitor water withdrawal made pursuant to section 1 of this act, and, if the department of environmental services determines that a reduction or other similar modification of such withdrawal is necessary for the preservation of water quality, environmental quality or habitat protection, the Gunstock Area shall, pursuant to written notice and order, reduce or similarly modify its withdrawal, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department and a decision is made to extend such order. The department shall adopt rules, under RSA 541-A, establishing criteria and procedures for issuing such orders, for such special hearings and for making such decisions.

3 Private Rights. This act shall not affect any private right in Lake Winnepesaukee and shall not relieve the Gunstock Area of Gilford from compliance with laws or regulations under the state's police power.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the Gunstock Area of Gilford to withdraw water from Lake Winnepesaukee for snowmaking purposes.

This bill requires the department of environmental services to monitor water withdrawal for preservation of water quality, environmental quality or habitat protection.

This bill does not affect any private right in Lake Winnepesaukee.

Rep. Maviglio spoke to the report and yielded to questions.

Rep. Dickinson spoke in favor of the report and yielded to questions.

Rep. Lewis spoke to the report.

Amendment adopted.

Ordered to third reading.

HB 1399-FN-A, to impose a statewide property tax and a personal income tax and making an appropriation for its administration, and establishing a local property tax relief fund. REFER FOR INTERIM STUDY.

The majority of the Committee is opposed to adopting an income tax at this time, but in light of the burden property taxes are placing on many citizens, it would like to explore a method of providing additional local aid. During interim study the Committee will develop wording for a constitutional amendment which would establish the maximum rate for any income tax as well as the manner in which such revenue would be distributed to local government. This way, the voters would be given the opportunity to indicate whether or not they approve an income tax dedicated to local aid. If they do, the Legislature can then take appropriate action. Vote 11-5. Rep. Donna P. Sytek for Ways and Means.

Rep. Hollingworth moved that the words, Ought to Pass, be substituted for the report of the Committee, Refer for Interim Study, spoke to her motion and withdrew her motion.

Rep. Douglas Hall requested a quorum count, spoke in favor of the report and yielded to questions.

The Speaker declared a quorum present.

Rep. Arnesen spoke in favor of the report.

Rep. Chambers spoke against the report and yielded to questions.

Rep. Teague and Gross spoke in favor of the report and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 263**NAYS 59****YEAS 263
BELKNAP**

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas, Jr.
Turner, Robert H.

Hardy, Earle D.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Gordon, Irvin H.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Blacketor, Paul G.
Grodin, Richard A.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Delano, Robert F.
Hill, Douglas E.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
Brown, Channing T.
Driscoll, William J.
Nordgren, Sharon
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
Christy, C. Dana
LaMott, Paul I.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Desrosiers, William J.
Dube, Ellen C.
Emerton, Lawrence
Ford, Nancy M.
Green, Scott E.
Haettenschwiller, A. A.
Healy, Daniel J.

Alukonis, David J.
Baldizar, Barbara J.
Culbert, Patrick
Dodge, Emma M.
Dyer, Merton S.
Fields, Dennis H.
Gerow, Sezen M.
Grip, Robert H.
Hanselman, Gregory L.
Holden, Carol H.

Amidon, Eleanor H.
Barry, Janet Gail
Desrochers, Gerard T.
Donovan, Francis X.
Elliott, Larry G.
Foote, Herbert N., Sr.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Harlan, Susan N.
Hunter, Bruce F.

Jean, Romeo W.
 Knight, Alice Tirrell
 Lawrence, Norman B.
 Lozeau, Donnalee
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Pappas, Toni
 Provost, Gilles R.
 Robinson, Ellen-Ann
 Schneiderat, Catherine
 Upton, Barbara Allen
 Wright, George W.

Jenkins, Mary
 Lachut, Ervin R.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 McRae, Karen
 Nardi, Theodora P.
 Perham, Lester R.
 Record, Alice Barnard
 Rodgers, G. Philip
 Smith, Leonard A.
 Vanderlosk, Stanley R.
 Young, Willard N.

Keefe, Edmund M.
 Lawrence, Eva M.
 Lown, Elizabeth
 McDowell, James E.
 Messier, Irene M.
 Packard, Bonnie B.
 Pignatelli, Debora B.
 Riley, Frances L.
 Sallada, Roland A.
 Tarpley, Nancy L.
 Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Holmes, Mary C.
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Smith, Gerald R.
 Trombly, Rick A.

Apple, Lowell D.
 Beaton, Nancy
 Braiterman, Thea
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.
 West, George M.

Barberia, Richard A.
 Bennett, J. Allen
 Carter, Susan D.
 Fillion, Paul R.
 Gross, Caroline L.
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene
 Shaw, Randall F.
 Teague, Bert
 Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Campbell, Marilyn R.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Hynes, Carolyn E.
 Katsakiores, Phyllis
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 McKinney, Betsy
 Parr, Ednappearl F.
 Raynowska, Bernard J.
 Senter, Merilyn P.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.

Benton, Richardson D.
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Cooke, Annette M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Haynes, Richard L.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Micklon, Stephanie K.
 Parsons, Robert F.
 Ritzo, Eugene
 Seward, Russell G.
 Sochalski, Matthew M.
 Vaughn, Charles L.
 Weyler, Kenneth L.

Boucher, William Paul
 Campbell, Eunice M.
 Chase, Lawrence A., Jr.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Roulston, Donald L.
 Sherburne, John L.
 Sytek, Donna
 Warburton, Calvin
 Wright, David B.

STRAFFORD

| | | |
|-------------------------|--------------------|--------------------------|
| Appleby, James E. | Bernard, Mary E. | Bickford, Drucilla |
| Brown, Julie M. | Burton, Wayne M. | Flynn, Anita A. |
| Flynn, Edward J. | Foss, Patricia H. | Frechette, Roland A. |
| Keans, Sandra Balomenos | Marston, Robert E. | Martling, W. Kent |
| Merrill, Amanda | Parks, Joe B. | Scharff, Thomas Edward |
| Spencer, Leo J. | Stewart, Glenn W. | Sullivan, Henry P. |
| Swope, Warren L. | Torr, Ann M. | Wheeler, Katherine Wells |
| Young, John B. | | |

SULLIVAN

| | | |
|-----------------------|---------------------|---------------------|
| Behrens, Thomas A. | Burling, Peter Hoe | Domini, Irene C. |
| Flint, Gordon B. | Hinrichsen, Keith | Krueger, Richard H. |
| MacAskill, Kenneth M. | Middleton, John A. | Peyron, Fredrik |
| Rodeschin, Beverly T. | Schotanus, Merle W. | |

NAYS 59**BELKNAP**

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|-------------------|--------------------|
| Bolduc, Dennis R. | Salatiello, Thomas |
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CARROLL

None

CHESHIRE

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|------------------|-----------------|-------------------------|
| Cole, Kenneth A. | Cole, Stacey W. | Foster, Katherine Davis |
| Spear, Susan | | |

COOS

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| Lemire, George | Mayhew, Josephine | Theriault, Romeo J. |
| Woodburn, Jeffrey R. | | |

GRAFTON

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| Chambers, Mary P. | Densmore, Edward D. | Dow, David |
| Markley, J. Keith | Rose, William B. | |

HILLSBOROUGH

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|-----------------------|----------------------|------------------------|
| Burkush, Peter | Cote, David E. | Cowenhoven, Garret P. |
| Daigle, Robert Arthur | Domaingue, Jacquelyn | Dwyer, Patricia R. |
| Dykstra, Leona | Flood, Jacqueline J. | Frank, Nancy G. |
| Gagnon, Gabrielle V. | Hall, Betty B. | Hultgren, David D. |
| Jasper, Shawn N. | Johnson, Lionel W. | King, John A. |
| Leclerc, Charles J. | Mason, Howard F. | Morrisette, Roland |
| Murphy, Robert E. | O'Rourke, JoAnne A. | Ouellette, Robert O. |
| Paquette, Rodolphe G. | Pepino, Leo P. | Prestipino, Bartolo V. |
| Soucy, Lillian E. | Spaloss, Henry F. | Turgeon, Roland M. |

MERRIMACK

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| Dunn, Miriam | Provencal, Leo A. | Soldati, Jennifer |
| Wallner, Mary Jane | | |

ROCKINGHAM

| | | |
|--------------------------|-----------------------|------------------|
| Bell, Juanita | Blanchard, MaryAnn N. | Dube, LeRoy S. |
| Hollingworth, Beverly A. | Rosencrantz, James R. | Vartanian, Elsie |
| Weddle, Michael Rodney | | |

STRAFFORD

Dionne, Albert J.

Gilmore, Gary

Kinney, Paula J.

O'Brien, John

Pelley, Janet R.

Vincent, Francis C.,

and the report was adopted.

(Speaker in the Chair)

HB 1312-FN, relative to employee prescription drug benefits and health care centers. **OUGHT TO PASS WITH AMENDMENT.**

This bill protects both patients and providers who have prescription drug coverage under a health care policy. It provides equal rights to obtain prescription drugs from a New Hampshire community pharmacy or out-of-state mail order pharmacy, as the patient sees fit. It also provides for equal co-payment and provider reimbursement to participating pharmacies. Vote 16-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Accident and Health Insurance. Amend RSA 415 by inserting after section 18-a the following new section:

415:18-b Mail Order Prescription Drugs. No policy of group or blanket health insurance or accident and health insurance, and no certificate issued under such policy, which provides coverage for prescription drugs, shall require any person covered under the policy to obtain prescription drugs from a mail order pharmacy as a condition of coverage, nor shall there be any differential in co-payment or provider reimbursement to participating pharmacies.

2 New Section; Hospital Service Corporations. Amend RSA 419 by inserting after section 6 the following new section:

419:6-a Mail Order Prescription Drugs. No medical benefits contract, on a group basis, issued by a hospital service corporation which provides coverage for prescription drugs, shall require any subscriber covered under the contract to obtain prescription drugs from a mail order pharmacy as a condition of coverage, nor shall there be any differential in co-payment or provider reimbursement to participating pharmacies.

3 New Section; Medical Service Corporations. Amend RSA 420 by inserting after section 6 the following new section:

420:6-a Mail Order Prescription Drugs. No medical benefits contract, on a group basis, issued by a medical service corporation which provides coverage for prescription drugs, shall require any subscriber covered under the contract to obtain prescription drugs from a mail order pharmacy as a condition of coverage, nor shall there be any differential in co-payment or provider reimbursement to participating pharmacies.

4 New Section; Nonprofit Health Service Corporations. Amend RSA 420-A by inserting after section 6 the following new section:

420-A:6-a Mail Order Prescription Drugs. No medical benefits contract, on a group basis, issued by a nonprofit health service corporation which provides coverage for prescription drugs, shall require any subscriber covered under the contract to obtain prescription drugs from a mail order pharmacy as a condition of coverage, nor shall there be any differential in co-payment or provider reimbursement to participating pharmacies.

5 New Section; Health Maintenance Organizations. Amend RSA 420-B by inserting after section 12 the following new section:

420-B:12-a Mail Order Prescription Drugs. No medical benefits contract, on a group basis, issued by a health maintenance organization, which provides coverage for prescription drugs, shall require any subscriber covered under the contract to obtain prescription drugs from a mail order pharmacy as a condition of coverage, nor shall there be any differential in co-payment or provider reimbursement to participating pharmacies.

6 Applicability. Sections 1-5 of this act shall apply to any policy or contract delivered, issued, or renewed in this state on or after January 1, 1991.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits group medical benefits contracts from requiring individuals to obtain prescription drugs from a mail order pharmacy as a condition of receiving benefits for such drugs.

The bill also prohibits such contracts from requiring any differential in co-payment or provider reimbursement to participating pharmacies.

Amendment adopted.

Rep. Sochalski spoke in favor of the report.

Ordered to third reading.

HB 1362, relative to penalties for DWI offenses. REFER FOR INTERIM STUDY.

This is one of several DWI-related bills which the Committee believes has merit, but which it is not willing to pass at this time. The Committee has been moving very rapidly in the area of DWI over the past few years and would like to study the trends more carefully than time currently allows. Vote 12-6. Rep. Shawn N. Jasper for Judiciary.

Rep. Spencer moved that the words, Ought to Pass with Amendment, be substituted for the report of the Committee, Refer for Interim Study, and spoke to his motion.

Rep. Thomas Gage spoke against the motion and yielded to questions.

On a division vote, 88 members having voted in the affirmative and 225 in the negative, the substitute motion lost.

Report adopted.

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 15 at 1:00.
Adopted.

LATE SESSION

Third reading and final passage

HB 1027-FN, establishing a black bear management program and requiring a special bear license.

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor.

HB 1162-A, relative to the railroad banking program.

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services.

HB 1278-FN, relative to senior assistant attorneys general.

HB 1295-FN-A, appropriating oil overcharge funds.

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor.

HB 1350-A, increasing the appropriation for constructing regional vocational education centers.

HB 1376-FN-A, relative to a public water rights report and advisory committee.

HB 1405-FN-A, relative to sludge and septage management programs.

HB 1409-FN, relative to workers' compensation and making an appropriation therefor.

HB 1117, relative to children attending camp facilities.

HB 1386-FN, relative to child support enforcement.

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies.

HB 1259-FN, relative to the unclaimed and abandoned property act.

HB 1084-FN, relative to continuing care communities.

HB 1128-FN, requiring licensure of out-of-state mail order pharmacies.

HB 1254, relative to smoking in laundromats and on buses.

HB 1261-FN, relative to data collection from ambulatory care facilities.

HB 1312-FN, relative to employee prescription drug benefits and health care centers.

HB 1353-FN, relative to the oversight committee on health and human services.

HB 1397-FN, relative to hiring a toxicologist to perform drug testing and making an appropriation therefor.

HCR 11, relative to rural hospitals.

HCR 12, relative to the AIDS virus.

HB 1018-FN, relative to the penalties for bail jumping.

HB 1218-FN, relative to defense and indemnification of bail commissioners.

HB 1234, relative to guardian's authority to admit to institutions.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

HB 1299-FN, relative to enhanced sentences for "hate crimes."

HB 1360-FN, relative to the regulation of private detectives.

HB 1196-FN, establishing a legislative study committee relative to wetlands board matters.

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup.

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges.

HB 1387-FN, relative to protecting the quality of surface waters.

HB 1003, relative to prima facie speed limits on local roads.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton.

HB 1083, establishing speed limits for the operation of OHRVs.

HB 1143, relative to registration and operation of OHRVs.

HB 1172-FN, relative to the physical condition of drivers.

HB 1257, relative to motor vehicle road tolls.

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel.

HB 1415, relative to OHRV safety and training.

HB 1422-FN, permitting tinted glass in motor vehicle windshields and side windows for medical reasons.

HB 1129-FN-A, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor.

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel.

HB 1174-FN, relative to laws regarding children and minors.

HB 1194-FN, relative to costs of court-ordered services for or placement of minors and children and relative to liability of expenses for minors and children.

HB 1216-FN, relative to video tape depositions of children.

HB 1426-FN, relative to surrogacy.

HB 1017-FN, relative to vendor check cashing policies.

HB 1074, relative to annual audits of consumer cooperative associations.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

HB 1156, relative to the order of the placement of candidates' names on ballots.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board.

HB 1107-FN, relative to the 2 year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

HB 1157-FN, relative to capital murder.

HB 1052, authorizing withdrawal of water from Lake Sunapee and Echo Lake for the ski resorts.

HB 1309, authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snowmaking.

Rep. Sytek made a Ways and Means Committee presentation on Senate amendments to revenue bills.

Reps. Sytek and Hager spoke and yielded to questions.

Reps. Dunn, Densmore, Kidder, Townsend and LaMott spoke.

Rep. Gross explained amendment to HB 1501 and yielded to questions.

RECONSIDERATION

Having voted with the prevailing side, Rep. Thomas Gage moved that the House reconsider its action whereby it passed HB 1157-FN, relative to capital murder, and spoke against his motion.

Reconsideration lost.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 6:05 p.m.

HOUSE JOURNAL No. 13

Thursday, February 15, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Aime Boisselle, Pastor of Sacred Heart Church in Concord.

Father, all powerful and ever-living God, all things are of Your making, all times and seasons obey Your laws. You have stretched forth the heavens and established the earth, creating all that exists from nothing.

You chose to create man in Your own image setting him over the whole world in all its wonder. You made man the steward of creation.

You hear those who obey Your will and keep Your commands. At a time when men and women of great daring risk extraordinary changes in our world to break the shackles when in all parts of the world, there are signs of greater respect for human dignity. Lord, grant us also wisdom and courage and daring to create laws that will reflect what is true and good for all the citizens of the State of New Hampshire.

Yes, Lord, grant wisdom to the men and women who have assumed the responsibility of creating a society of justice and peace. Strengthen their resolve to build a society that is just and right. Inspire them to make right judgments and to be unselfish after Your own heart.

Grant that our laws may always reflect what is true and good.

Stretch out Your hand so that our legislators may be touched by Your Spirit of knowledge and wisdom; and may this session mirror Your providential care for Your people.

We depend on your solicitude and attention, You who live and reign for ever and ever. Amen.

Rep. Ednapearl Parr led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Eunice Campbell, Drabinowicz, Daniel Eaton, Kincaid, Pratt, Provost, Richardson, Rosencrantz, Sanderson and Wall, the day, illness.

Reps. Bickford, Lionel Boucher, Bourque, Brady, Callaghan, Carter, Caswell, Drake, Flint, Foote, Guest, Douglas Hill, Kane, Nordgren, Palazzo, Parsons, Rheault, Roulston, Schmidtchen, Simon and Splaine, the day, important business.

Reps. Gagnon, Hayes and Wells, the day, death in family.

Reps. Janet Barry, Biondi, Jeffrey Brown, Julie Brown, Cox, Doucette, Dykstra, Flanagan, Gilbreth, Hynes, Mace, Pierce, Popov, Record, Remick, Saunders, Spencer, Swope, Tufts, Weddle and Wihby, the day, travel conditions.

INTRODUCTION OF GUESTS

Dick Kress, husband and guest of Rep. Gloria Kress; former Rep. Emma Wheeler, guest of her nephew Rep. David Wheeler; Gregory Thomas Hoelzel, son of Rep. Hoelzel; Robert Lincoln and Ron Campo, both of the Londonderry School Board, guests of the Londonderry Delegation; Dr. Amos Townsend of Lee, brother of Rep. Howard Townsend; Susan Loder, chairwoman of Oyster River School Board, guests of Reps. Burton, Katherine Wheeler, Martling, Spencer and Merrill; Charlotte Telsm and Richard Malloy, School Board members from the Town of Pelham, guests

of Norman and Eva Lawrence; Dr. John Wheeler, Superintendent of Schools, Jaffrey-Rindge School Department, guest of Rep. Grodin; Chuck Cote of Danville, guest of Rep. Patricia Cote.

SENATE MESSAGES REQUESTS CONCURRENCE

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 328 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich. (Municipal and County Government)

SPECIAL ORDERS

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children. **OUGHT TO PASS WITH AMENDMENT.**

The bill, as presented had no statement of "findings and purposes," and the Committee amended it to provide one. The bill, as originally drafted, had no limit to the period in which prosecutions could be brought for sexual offenses against children; the Committee felt a limitation period of 22 years after the victim's 18th birthday was appropriate. As amended, this bill is an important change in our law relating to sexual offenses against children. Vote 15-1. Reps. Alice B. Record and Peter H. Burling for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that juvenile victims of sexual assault often suffer profound psychological harm resulting in repression of memory of the assault. Such victims are frequently financially dependent upon their assailants, and are often the sole witnesses to the assault. As a result, charges for sexual assault against youthful victims are frequently not brought because the criminal conduct is not brought to light within the current statute of limitations. The general court finds that an extension of the period of limitations is warranted in this situation so that justice is not lost because of the psychological harm to the victim.

2 Limitations; Sexual Assault Offenses Against Children. Amend RSA 625:8, III(c) to read as follows:

(c) For any offense under RSA 208, RSA 210, or RSA 215, within 3 years thereafter[.]; *or*

(d) *For any offense under RSA 632-A, where the victim was under 18 years of age when the alleged offense occurred, within 22 years of the victim's eighteenth birthday.*

3 Repeal. RSA 632-A:7, relative to limitations of prosecutions, is repealed.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the statute of limitations for sexual assault offenses where the victim was under 18 years of age at the time the alleged offense occurred to 22 years after the victim's eighteenth birthday.

Amendment adopted.

Rep. Burton offered an amendment and spoke to his amendment.

Rep. Thomas Gage spoke in favor of the amendment.

Amendment

Amend the bill by replacing section 4 with the following:

4 Applicability. The provisions of RSA 625:8, III(d) as inserted by section 2 of this act shall apply to victims injured under RSA 632-A before, on, or after the effective date of this act.

5 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 1289-FN, relative to DWI offenses. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

MAJORITY: This bill is the omnibus DWI bill promised by the Committee. Section one corrects a problem which exists in current law. The change would allow blood and urine samples to be tested in any capable laboratory. Section 2 requires that a driver who loses his/her license for a drug or alcohol offense shall not have his/her license restored until all of his financial obligations are met; sections 3, 4 and 5 deal with refusal of consent. Under this bill the loss of license for a first refusal would double from 90 to 180 days. For a second refusal the revocation period would increase to two years. The remainder of the bill deals with a program name change which is necessary to comply with federal regulations. Vote 13-5. Rep. Shawn N. Jasper for the Majority of Judiciary.

MINORITY: The minority of the Committee believes that the idea of an omnibus bill was a good idea. However, parts of this bill make major changes without enough study. In dealing with eight different DWI bills, the Committee took no less than 12 votes to finally get this amendment. There is a more divided opinion on the Committee than the final vote indicates. The vote for Interim Study lost 7-11. We have shown, as a state, in the last four years to be responsive to the DWI problem. Let's not be hasty to change now! Rep. Sandra B. Keans for the Minority of Judiciary.

Rep. Keans moved that the report of the minority, Refer for Interim Study, be substituted for the report of the majority, Ought to Pass with Amendment, and spoke to her motion.

Rep. Thomas Gage spoke against the motion.

The substitute motion lost.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Approved Testing Facilities. Amend RSA 265:85, II to read as follows:

II. All such blood and urine tests made under the direction of a law enforcement officer shall be conducted in the laboratory of the division of public health services *or, in the case of blood and urine samples to be tested for the presence of controlled drugs, in any other laboratory capable of conducting such tests.*

2 New Section; Payment of Obligations. Amend RSA 265 by inserting after section 82-c the following new section:

265:82-d Payment of All Obligations Prior to Restoration. The director of motor vehicles shall not restore a person's license or privilege to drive, if it was revoked pursuant to RSA 265:80, RSA 265:82; RSA 265-82-a; RSA 263:14-a; RSA 630:2; or RSA 630:3, or if the revocation was connected with an alcohol related or drug related offense, until all obligations of such person resulting from the arrest and conviction for the offense are met. For the purposes of this section, the word "obligations" shall mean fines and penalty assessments, court ordered restitution or reimbursement to any person injured as a result of the offense, successful completion of all treatment and rehabilitation programs the person is required to take, full payment of all fees for such programs, and any other costs which may be ordered by the court. The word "obligations" shall not mean completion of probation or parole or completion of a condition of probation or parole. In any case where the court orders periodic payment of fines, penalty assessments, restitution or reimbursement, the obligations of such person shall be deemed to have been met if such person is current in all such court-ordered payments.

3 Refusal of Consent; Period of Revocation Increased for First Refusal. Amend RSA 265:92, I(a)(1) and (2) to read as follows:

(1) The director shall revoke his license to drive or nonresident driving privilege for a period of [90] **180** days; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of [90] **180** days after the date of the alleged violation.

4 Refusal of Consent; Period of Revocation Increased in Case of Prior Conviction. Amend RSA 265:92, I(b)(1) and (1) to read as follows:

(1) The director shall revoke his license to drive or nonresident driving privilege for a period of [one year] **2 years**; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of [one year] **2 years** after the date of the alleged violation.

5 Refusal of Consent; Reference Changes. Amend the introductory paragraph of RSA 265:92, II to read as follows:

II. The [90] **180** day or [one year] **2 years** revocation period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provisions of this title. Any such revocation or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as hereinafter provided, and shall be imposed only upon the receipt of a sworn report of the law enforcement officer containing the following:

6 Subdivision Title Change. The subdivision heading preceding RSA 263:65 is repealed and reenacted to read as follows:

Effect of Reckless Driving or Driving While Under
Influence of Alcohol or Drugs

7 Section Heading Amended. Amend the section heading of RSA 263:65 to read as follows:

263:65 Revocation for Reckless Driving or Driving While [Intoxicated] *Under Influence of Alcohol or Drugs*.

8 Impaired Driver. Amend the section heading and introductory paragraph of RSA 263:65-a to read as follows:

263:65-a Attendance at [Alcohol Education] *Impaired Driver Intervention* Program Required. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265:82 or 82-a until such person has furnished proof of successful completion of an [alcohol education] *impaired driver intervention* program which is:

9 Name Change. Amend RSA 172-B:2-a to read as follows:

172-B:2-a [Alcohol Education] *Impaired Driver Intervention* Programs.

I. The director shall be responsible, except as provided in paragraph II, for approving the [alcohol education] *impaired driver intervention* programs which persons convicted under RSA 265:82 or 82-a shall attend in order to regain their driver's licenses or driving privileges; but the director shall not approve any [alcohol education] *impaired driver intervention* program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph III(c) of this section shall be placed in a nonlapsing revolving account and shall be used by the director for the purposes of this chapter only.

II. The director jointly with the commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to [alcohol education] *impaired driver intervention* programs with respect to:

(a) Procedures and forms to be followed in order for drivers who have completed such programs to regain their licenses or driving privileges.

(b) Place of business.

(c) Records and reports.

(d) Schedule of fees and charges.

(e) Such other matters as the director and the commissioner of safety may prescribe for the protection of the public.

III. The director shall adopt rules, pursuant to RSA 541-A, relative to the operation of [alcohol education] *impaired driver intervention* programs with respect to:

(a) Course content and standards of instruction.

(b) Certification of instructors.

(c) A fee not to exceed \$15 per client to be paid by program providers to cover the costs of monitoring course content, establishing and maintaining standards of instruction, data collection, and administrative support.

(d) Any other matter related to the proper administration of this section.

10 Effective Date.

I. Sections 6-9 of this act shall take effect 60 days after its passage.

II. Sections 1-5 of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill authorizes the testing of blood and urine samples for controlled drugs in laboratories other than the laboratory of the division of public health services.

The bill also requires that the payment of all obligations in connection with certain alcohol-related and drug-related offenses shall be made prior to the restoration of a person's driver's license or privilege to drive.

The bill further changes the period of revocation of a driver's license for refusal of consent to take a blood alcohol or drug test.

The bill also changes the name of the program for rehabilitation of drivers convicted of driving under the influence from "alcohol education program" to "impaired driver intervention program."

A roll call was called for. Sufficiently seconded.

YEAS 200

YEAS 200 BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.

Golden, Paul A.
Maviglio, Steven R.
Rosen, Ralph J.
Vogler, Charles C.

CARROLL

Chandler, Gene G.
MacDonald, Kenneth J.
Wiggin, Allen R.

Daly, Robert J., Jr.
Olimpio, J. Lisbeth

NAYS 93

Hardy, Earle D.
Pearson, Ralph W.
Salatiello, Thomas
Ziegra, Alice S.

Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

Cole, Stacey W.
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Delano, Robert F.
Laurent, John J.
Pearson, Gertrude B.
Spear, Susan

COOS

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Mayhew, Josephine

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald

Dumont, Robert E.
Marsh, Beaton
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Markley, J. Keith
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Densmore, Edward D.
Hill, Richard L.
Scanlan, David M.
Wadsworth, Karen O.

Bennett, Shirley M.
Dow, David
Larson, Nils H., Jr.
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Alukonis, David J.
Cowenhoven, Garret P.
Dionne, Paul R.
Donovan, Francis X.
Fields, Dennis H.
Frank, Nancy G.
Green, Scott E.
Harlan, Susan N.
Hultgren, David D.

Andrews, Frederick B.
Daigle, Robert Arthur
Dodge, Emma M.
Dube, Ellen C.
Flood, Jacqueline J.
Gerow, Sezen M.
Hall, Betty B.
Healy, Daniel J.
Jasper, Shawn N.

Barry, Vivian
Desrochers, Gerard T.
Domaingue, Jacquelyn
Emerton, Lawrence
Ford, Nancy M.
Goulet, Maurice E.
Hanselman, Gregory L.
Holden, Carol H.
Jean, Romeo W.

Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Eva M.
Lown, Elizabeth
McCann, Bonnie Lou
Murphy, Robert E.
Ouellette, Robert O.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Toomey, Daniel
Wright, George W.

Kelley, Robert N.
Kress, Gloria W.
Lawrence, Norman B.
Lozeau, DonnaLee
McDowell, James E.
Nardi, Theodora P.
Pappas, Toni
Prestipino, Bartolo V.
Sallada, Roland A.
Stiles, Walter A.
Upton, Barbara Allen

Klose, John F.
Lachut, Ervin R.
Lefebvre, Roland J.
Mason, Howard F.
McNerney, Daniel P.
O'Rourke, JoAnne A.
Pepino, Leo P.
Riley, Frances L.
Schneiderat, Catherine
Tarpley, Nancy L.
Wheeler, David K.

MERRIMACK

Apple, Lowell D.
Beaton, Nancy
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Provencal, Leo A.
Stio, Peter M.

Barberia, Richard A.
Boucher, Laurent J.
Fillion, Paul R.
Hager, Elizabeth
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert

Bardsley, Elizabeth S.
Dunn, Miriam
Fraser, Leo W., Jr.
Hall, Douglas E.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Soldati, Jennifer
Tolpin, Richard W.

ROCKINGHAM

Anderson, Carl F., III
Campbell, Marilyn R.
Flanders, Harry E.
Gage, Thomas U.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McCarthy, John James, Jr.
Parr, Ednapearl F.
Seward, Russell G.
Sochalski, Matthew M.
Warburton, Calvin

Benton, Richardson D.
Conroy, Janet M.
Flanders, John W., Sr.
Haynes, Richard L.
Johnson, Robert A.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
McKinney, Betsy
Ritzo, Eugene
Sherburne, John L.
Sytek, Donna
Welch, David A.

Brown, Lewis W.
Cooke, Annette M.
Forsythe, Douglas G.
Hoar, John, Jr.
Katsakiores, George N.
Lovejoy, Virginia K.
McCain, William F.
Micklon, Stephanie K.
Senter, Marilyn P.
Skinner, Patricia M.
Vaughn, Charles L.
Weyler, Kenneth L.

STRAFFORD

Bernard, Mary E.
Marston, Robert E.
Pelley, Janet R.
Sullivan, Henry P.

Burton, Wayne M.
Martling, W. Kent
Scharff, Thomas Edward
Torr, Ann M.

Kinney, Paula J.
Parks, Joe B.
Stewart, Glenn W.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Peyron, Fredrik

Domini, Irene C.
Krueger, Richard H.
Rodeschin, Beverly T.

Harland, Jane A.
MacAskill, Kenneth M.
Schotanus, Merle W.

NAYS 93

BELKNAP

Campbell, Richard H., Jr. Rice, Thomas, Jr.

CARROLL

NONE.

CHESHIRE

Blacketor, Paul G.
LaMar, David M.

Crutchley, Donald O.
Matson, William R.

Foster, Katherine Davis

COOS

Brungot, Catherine V.
Theriault, Romeo J.

Kilbride, Dennis J.

Lemire, George

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Weymouth, Philip H.

Chambers, Mary P.
Rose, William B.
White, Paul R.

Christy, C. Dana
Stewart, Roger

HILLSBOROUGH

Amidon, Eleanor H.
Burkush, Peter
Drolet, Paul L.
Elliott, Larry G.
Jenkins, Mary
Kurk, Neal M.
Messier, Irene M.
Packard, Bonnie B.
Smith, Leonard A.
Steiner, Lee Anne
Vanderlosk, Stanley R.

Baldizar, Barbara J.
Cote, David E.
Dwyer, Patricia R.
Haettenschwiller, A. A.
Johnson, Lionel W.
Leclerc, Charles J.
Moore, Elizabeth A.
Perham, Lester R.
Soucy, Lillian E.
Turgeon, Roland M.
Young, Willard N.

Bowers, Dorothy C.
Desrosiers, William J.
Dyer, Merton S.
Hunter, Bruce F.
King, John A.
McRae, Karen
Morrissette, Roland
Rodgers, G. Philip
Spaloss, Henry F.
Tyree, Paul M.

MERRIMACK

Bennett, J. Allen
Smith, Gerald R.

Daneault, Gabriel
Trombly, Rick A.

Jacobson, Alf E.
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Dube, LeRoy S.
Ford, Bert H.
Hollingworth, Beverly A.
MacDonald, Maurice B.
Wright, David B.

Blanchard, MaryAnn N.
Felch, Charles H., Sr.
Gage, Beverly A.
Katsakiores, Phyllis
McGovern, Cynthia A.

Cote, Patricia L.
Fesh, Robert M.
Greene, Elizabeth A.
King, Roger C.
Raynowska, Bernard J.

STRAFFORD

Appleby, James E.
Flynn, Edward J.
Gillmore, Gary
McCann, William H., Jr.
O'Brien, John
Wheeler, Katherine Wells

Dionne, Albert J.
Foss, Patricia H.
Keans, Sandra Balomenos
Merrill, Amanda
Torr, Ralph W.
Young, John B.

Flynn, Anita A.
Frechette, Roland A.
Lachance, Douglas
Musler, George T.
Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe
and the amendment was adopted.

Middleton, John A.

Stamatakis, Carol M.,

On a division vote, 205 members having voted in the affirmative and 90 in the negative, the bill was ordered to third reading.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1383-FN, relative to drug and alcohol education, prevention, and student assistance counseling and referral programs, was removed at the request of Rep. Sytek.

HB 1421, relative to admissibility of evidence in juvenile certification proceedings, was removed at the request of Reps. McCain and Bean.

HB 1231-FN, granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire Purple Heart license plates, was removed at the request of Rep. Phelps.

Adopted.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

The bill, as amended, extends the termination date of the study committee until June 30, 1991, appropriates \$1, adds a new duty to the charge of the committee, requires that public notice be given of the committee's meetings, and provides that the minutes of the committee's meetings shall be available for public inspection. Vote 18-0. Rep. Douglas E. Hall for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Additional Study Committee Duty. 1989, 408:89, IV is repealed and reenacted to read as follows:

IV. Investigate and make recommendations to the governor, senate president, and speaker of the house on any data processing and information management questions which the committee identifies.

2 Report; Notice of Meetings. Amend 1989, 408:91 to read as follows:

408:91 Report. The study committee shall submit a comprehensive report with its recommendations to the governor, senate president, and speaker of the house on or before [December 31, 1989] *its termination date in 1991*, covering detailed operational procedures, hardware and software acquisition criteria, and any proposed legislation necessary to fully implement its recommendations. *Public notice of each meeting which the committee holds in order to perform its duties shall be placed in the house and senate calendars. Minutes of such meetings shall be available for public inspection by every citizen during regular business hours.*

3 Data Processing and Computer Management Study Committee; Termination Date. Amend 1989, 408:92 to read as follows:

408:92 Termination Date. The data processing and computer management study committee shall cease to exist on [February 1, 1990] *June 30, 1991*.

4 Supplemental Appropriation; Data Processing and Computer Management Study Committee. In addition to any other sums appropriated under 1989, 408:93, the sum of \$1 is hereby appropriated to the data processing and computer management study committee for the fiscal year ending June 30, 1990, for the purpose of engaging expert consultants to assist the committee in the performance of its duties under 1989, 408:89. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the termination date of the study committee from February 1, 1990, to June 30, 1991. The bill also makes a supplemental appropriation of \$1 to the study committee for fiscal year 1990, adds a new duty to the charge of the study committee, requires that public notice be given of the committee's meetings, and provides that the minutes of the committee's meetings shall be available for public inspection.

HB 1118, relative to the disabled. (A) OUGHT TO PASS.

The Committee supports this bill and believes it will have a positive effect on the general fund. Vote 18-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

The need for new breath analyzer machines was demonstrated and the Department of Safety has the option of the equipment fund for obtaining these machines, hence the reducing of the appropriation to \$1. Vote 16-0. Rep. Robert G. Holbrook for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Safety. The sum of \$1 is hereby appropriated to the department of safety for the fiscal year ending June 30, 1991, for the purpose of purchasing breath analyzer machines for the testing of blood alcohol content. The sum appropriated shall be nonlapsing and in addition to any other sums appropriated to the department of safety. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes a nonlapsing appropriation to the department of safety for the fiscal year ending June 30, 1991, for the purpose of purchasing breath analyzer machines for the testing of blood alcohol content.

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending the appropriation to the New Hampshire veterans' home for a 50 bed nursing home addition. (A) OUGHT TO PASS WITH AMENDMENT.

As amended, this bill extends lapse dates of previously-authorized appropriations for on-going and planned capital projects and authorizes a \$200,000 increase in the ski operations fund for Mount Sunapee and Cannon Mountain snowmaking activities. Vote 18-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations.

Amend the bill by replacing all after section 2 with the following:

3 Extending Lapse Date for Certain Coastal Projects. The appropriation made to the department of resources and economic development in 1985, 409:1, IX, B as amended by 1987, 398:3 and by 1988, 224:8 for coastal projects in Hampton, Portsmouth, and Rye is hereby extended to June 30, 1991.

4 Extending Lapse Date for the Moose Brook Sewage Appropriation. The appropriation made to the department of resources and economic development in 1987, 399:1, IX, G as amended by 1989, 367:27, II(o) for Moose Brook Sewage is hereby extended to June 30, 1991.

5 Extending Lapse Date for the Ragged Neck Shore Erosion Protection Appropriation. The appropriation made to the department of resources and economic development in 1987, 399:1, IX, G as amended by 1988, 224:24 for Ragged Neck shore erosion protection is hereby extended to June 30, 1991.

6 Extending Lapse Date for Hampton Harbor Dredging Appropriation. The appropriation made to the department of resources and economic development in 1988, 224:1, IV, D for Hampton Harbor dredging is hereby extended to June 30, 1991.

7 Extending Lapse Date for Mount Washington Sewage Appropriation. The appropriation made to the department of resources and economic development in 1987, 339:1 IX, C as amended by 1988, 224:14 for Mount Washington sewage is hereby extended to June 30, 1991.

8 Extending Lapse Date for Headquarters, Office, and Computer System Appropriation. The appropriation made to the department of fish and game in 1985, 409:1, V amended by 1986, 211:1 and 2, by 1987, 399:19, and by 1989, 367:27, II(m) for the new headquarters facility, regional offices, and computer system is hereby extended to June 30, 1991.

9 Extending Lapse Date for Skyhaven Airport. The appropriation made to the department of transportation in 1988, 152:1 for additional hangar facilities at Skyhaven airport is hereby extended to June 30, 1991.

10 Ski Area Operations Fund. Amend 1985, 409:17 to read as follows:

409:17 Resources and Economic Development; Special Provisions. There is hereby created in the department of resources and economic development a [Franconia/Sunapee snowmaking and grooming] *ski area operations* fund. At the close of each fiscal year, revenue from winter ski operations at Mount Sunapee and Cannon Mountain in excess of \$2,000,000, up to an amount not exceeding [\$200,000] **\$400,000 for operations** shall be deposited in the fund. The fund shall be continuing and nonlapsing. Funds may be used for said purpose only with the prior approval of governor and council.

11 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill inserts a budget footnote which allows the public works bureau of the department of transportation to expend revenues in excess of its budget estimate, with the prior consent of the fiscal committee and the approval of the governor and council.

This bill extends, to June 30, 1991, certain appropriations made to the department of resources and economic development, the department of fish and game, and the department of transportation.

The bill also increases the maximum amount of funds, which may be available for winter ski operations at Mount Sunapee and Cannon Mountain, from \$200,000 to \$400,000 each fiscal year.

HB 1225-FN-A, to define "retired state employee" for state employee group insurance purposes.(A) OUGHT TO PASS.

This bill is the result of a joint study committee created by SB 89 to help contain health care costs. An employee has to have 10 years of creditable service for vesting and reach age 60, or have 30 years of creditable service regardless of age to receive

health benefits. It also creates a five-year window. Vote 18-0. Rep. Janet R. Pelley for Appropriations.

HB 1229-FN, relative to organizational and personnel changes within the department of corrections. (A) OUGHT TO PASS WITH AMENDMENT.

As amended, this bill establishes a classified position at Labor Grade 28, minimum level of Director at the New Hampshire State Prison for women and provides that said prison shall be governed by the same rules and regulations as at the State Prison except as otherwise provided by law. Vote 18-0. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Care and Custody of Female Prisoners. Amend RSA 622 by inserting after section 33 the following new section:

622:33-a Care and Custody of Female Prisoners.

I. There is established a state confinement facility for female prisoners which shall be called the New Hampshire State Prison for Women.

II. The New Hampshire state prison for women shall be under the superintendence of a director. The director shall be a classified employee qualified by education and experience.

III. The operation of the New Hampshire state prison for women and the inmates confined to the New Hampshire state prison for women shall be governed by the same laws, rules and regulations which govern the state prison and inmates of the state prison, except as otherwise specified by law.

2 Transfer. The person in classified position #18783 within the department of corrections on the effective date of this act shall become the director of the New Hampshire state prison for women. On the effective date of this act, position #18783 shall be labor grade 28, minimum level. Notwithstanding any other law enacted during the 1990 legislative session, position #18783 shall be funded within appropriations made to the department of corrections for the biennium and through the salary adjustment fund as needed.

3 Repeal. The following are repealed:

I. RSA 622:33, relative to contracts with counties or other states for care and custody of female prisoners.

II. RSA 622:34, relative to transfer of female prisoners.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill names the prison for women at Grasmere the New Hampshire state prison for women. It establishes the classified position of director of the New Hampshire state prison for women.

The bill repeals 2 RSA sections regarding female prisoners which are duplicated in other laws.

HB 1290-FN-A, making appropriations for flood control reimbursements. INEXPEDIENT TO LEGISLATE.

The funds requested in this bill are included in HB 1500. Vote 20-0. Rep. Ralph W. Pearson for Appropriations.

HB 1348-FN-A, relative to access to health care for the uninsured and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

The amendment reduces the appropriation to \$1 because the Committee is assured by the sponsors that they can obtain private funds for this important program. The amendment also clarifies that we are authorizing only a pilot program which would need further legislative action to be continued. Vote 17-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend RSA 415-E:3 as inserted by section 2 of the bill by replacing it with the following:

415-E:3 Applicability. The plan authorized under this chapter shall be limited with regard to the number of individuals who shall be allowed to participate and the geographic areas within the state where it may be administered. All limitations shall remain in effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature. At this point, the pilot program shall end, unless the legislature chooses to extend it. No private rights of any kind shall vest in any individual as a result of enactment of this chapter.

Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of health and human services for the purposes of this act. This appropriation is in addition to any other funds appropriated to the department of health and human services and shall not be offset by enrollee contributions or other outside sources of funds. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. OUGHT TO PASS.

This bill permits the sale of the Coos County Courthouse in Lancaster to the state of New Hampshire for \$1. This is in line with the present move to have most court proceedings occur in state property. Vote 20-0. Rep. Otto H. Oleson for Appropriations.

HB 1382-FN-A, relative to retirement compensation for judges and making an appropriation for an actuarial study of certain judges.(A) OUGHT TO PASS WITH AMENDMENT.

This legislation extends the Judicial Vesting and Retirement Committee through January 1, 1991; increases the membership from five to seven, three from the House, three from the Senate and the Chief Justice of the Supreme Court or his designee; and requires them to bring in recommendations for vesting rights and a defined-contribution retirement plan for judges. Vote 17-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges.

Amend the bill by replacing all after the enacting clause with the following:

1 Judicial Vesting and Retirement Committee. 1989, 372:1 is repealed and reenacted to read as follows:

372:1 Judicial Vesting and Retirement Committee.

I. There is created a 7-member committee consisting of the following: 3 representatives appointed by the speaker of the house, 3 senators appointed by the president of the senate, and the chief justice of the supreme court or his designee. This committee shall study the feasibility of and funding for justices of the supreme and superior courts, justices of the district court prohibited from practice under RSA 502-A:21, and probate judges prohibited from practice under RSA 547:2-a in relation to (1) vesting rights in judicial retirement, (2) the contribution of a certain percentage of their salaries towards retirement, and (3) a defined-contribution retirement plan for justices. The committee shall contract, with the advice of the board of trustees of the New Hampshire retirement system and the legislative budget assistant, for actuarial studies on each supreme court justice, superior court justice, justice of the district court prohibited from practice under RSA 502-A:21, and probate judge prohibited from practice under RSA 547:2-a, and who requests such actuarial study to determine what percentage of his salary should be contributed to retirement. should he elect to contribute to a vested judicial retirement compensation program. The cost of such actuarial study shall be paid by the justice requesting it. The report by the actuary may contain a range of possible state-judicial contributions to vested judicial retirement compensation, but shall not obligate the state to pay more than 1/2 of the cost.

II. The committee shall report its findings and recommendations on or before January 1, 1991, to the senate president, the speaker of the house and the office of the chief justice of the supreme court.

2 Appropriation; Judicial Vesting and Retirement Committee. The sum of \$1 is appropriated to the judicial vesting and retirement committee for the fiscal year ending June 30, 1991, for administrative costs incident to making the actuarial study provided by section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The judicial vesting and retirement committee established in the 1989 legislative session is continued by this bill. The committee is assigned the duty, with the advice of the legislative budget assistant and the board of trustees of the New Hampshire retirement system, of contracting for an actuarial study of all full-time judges, to determine the contributions required of each judge if a vested judicial retirement compensation option becomes available. The committee is also required to study a defined-contribution retirement plan for justices.

An appropriation of \$1 is made to the committee for the administrative costs of this actuarial study. Additional actuarial studies dealing with vested judicial retirement compensation are to be paid by the justices requesting them.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. **OUGHT TO PASS WITH AMENDMENT.**

This new position of Finance Director for the Retirement Board was created in the 1989 session. Funding was not provided and will be in this legislation, to be paid out of the administrative budget of the system. A fee of \$25 is charged as a deposit on

petitions from non-members of the system who wish to know the cost to buy prior-years' service. It also defines the method of calculation. Vote 18-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend RSA 100-A:3, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount determined by the actuary shall be the [member annuity savings fund share plus accumulated earnings thereon only] *amount withdrawn plus interest from the date of withdrawal to the date of payment for prior service credit at a rate to be determined by the board of trustees.* For all other prior service credit the amount determined by the actuary shall [include both the member annuity savings fund share plus accumulated earnings thereon and the state annuity accumulation fund share plus accumulated earnings thereon] *be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.*

Amend RSA 100-A:3, VI(d)(1) as inserted by section 1 of the bill by replacing it with the following:

(d)(1) In the case of an employer which through its own fault, and not the fault of the employee, failed to enroll an eligible employee at the time such employee became eligible for membership in this retirement system or a predecessor system, the employer and not the employee shall pay the cost of the actuary's statement obtained under this subparagraph. The actuary's statement shall be based on the [accrued liability cost of prior service credit] *product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of prior service credit bought.* In addition, [for service rendered before July 1, 1989,] if such employee has not received final approval of the board [on or] before [June 30] **July 1, 1989**, to receive credit for such service, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay 1/2. [For service rendered after June 30, 1989, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay 1/2.] Upon payment, and with the approval of the board, the member shall receive credit for prior service. *The amount paid by the employee for prior service credit under this subparagraph shall be credited to the member annuity savings fund, and the amount paid by the employer shall be credited to the state annuity accumulation fund.*

Amend the bill by replacing section 2 with the following:

2 Application.

I. The provisions of RSA 100-A:3, VI as amended by section 1 of this act shall apply to any petition for prior service credit not finally acted upon by the board before July 1, 1989; provided, however, that any cause of action based on an employer's failure to enroll an eligible employee in the New Hampshire retirement system or a predecessor system, if such cause of action was in existence and not barred by the then-applicable statute of limitations on June 30, 1989, shall not be barred by the application of RSA 100-A:3, VI(e) before July 1, 1991.

II. Any nonmember who petitions for prior service credit and whose petition was not finally acted upon by the board before July 1, 1989, shall pay a fee of \$25 to the retirement system board of trustees for the petition, for deposit in the retirement system administrative account.

AMENDED ANALYSIS

This bill amends the retirement system laws by:

I. Changing the buy-in provision for credit for prior service under RSA 100-A:3, VI and the application of that law as amended in 1989.

II. Making an appropriation from the New Hampshire retirement system administrative account for the salary, benefits, and office equipment for the retirement system director of finance.

III. Clarifying that teachers retired prior to July 1, 1957 were only to receive one 20 percent supplemental allowance as of July 1, 1989, by repealing a duplicative provision.

IV. Insuring that accidental disability retirees and accidental death beneficiaries are to receive state-paid medical benefits during the biennium ending June 30, 1991.

V. Requiring non-retirement system members to pay a fee of \$25 when they petition the retirement system board of trustees for prior service credit.

HB 1394-FN, relative to the election of optional retirement allowances.(A) OUGHT TO PASS.

This bill will simplify retirement decisions for employees when retiring by allowing such employees to select retirement options upon reaching retirement age and still continue to work beyond the eligible retirement age. The Retirement System Actuary determined this bill will have no impact on the general fund. Vote 18-0. Rep. Howard C. Townsend for Appropriations.

HB 1106-FN, clarifying the applicability of post-licensing provisions to issuer-dealers and the applicability of examination fees to all security issues. OUGHT TO PASS WITH AMENDMENT.

The bill was entered at the request of the Office of Securities Regulation. The changes implement activities already currently in use. Vote 17-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings.

Amend the bill by replacing section 8 with the following:

8 Unlawful Representation Concerning Registration or Exemption. Amend RSA 421-B:20 to read as follows:

421-B:20 Unlawful Representations Concerning Registration or Exemption.

1. Neither the fact that a registration statement or an application for a license has been filed *with the state of New Hampshire* nor the fact that a security is effectively registered or a person is licensed *in the state of New Hampshire* constitutes a finding by the director *of the office securities regulation* that any document filed under [this chapter] **RSA 421-B** is true, complete and not misleading. Neither any such fact nor

the fact that an exemption or exception is available for a security or a transaction means that the director *of the office of securities regulation* has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with the provisions of this [section] *paragraph*.

II. The full text of paragraph I shall be reproduced, in type no smaller than 10 point size, on the cover page of any prospectus or other offering document, [whether for a public offering, or an exempted filing,] when offered to New Hampshire residents *in a private offering. Public offerings shall bear either a legend approved by the North American Securities Administrators Association, Inc.; the modified Federal Regulation S-K legend, or the legend required on Form V-7 which is required for offerings not federally registered.*

9 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. Sections 1-7 of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill defines "issuer-dealer" and clarifies that the securities post-licensing provisions are applicable to issuer-dealers. This bill also clarifies that an examination fee applies to all registrations of securities, not only registrations by qualification.

This bill prescribes the form for legends in private and public offerings.

This bill was requested by the office of securities regulation.

HB 1120, relative to notice of insurance cancellation. OUGHT TO PASS WITH AMENDMENT.

The bill requires insurers issuing policies or contracts under RSA 415 or 420 or subscribers to notify the group policyholder 60 days prior to cancellation without prejudice to claims originating prior to cancellation. The bill requires insurers insuring individuals on individual contracts to give a 30-day notice of cancellation or nonrenewal. Vote 12-1. Rep. Kenneth M. MacAskill for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Notice of Non-renewal, Terms of Renewal, or Cancellation. Amend RSA 415:7 by inserting after paragraph II the following new paragraph:

III. NOTICE OF NON-RENEWAL, TERMS OF RENEWAL, OR CANCELLATION. Every insurer shall provide at least 30 days' notice of non-renewal, cancellation, or offer of renewal to the policy holder.

2 New Section; Cancellation or Non-renewal of Group Insurance Contracts. Amend RSA 415 by inserting after section 18-a the following new section:

415:18-b Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer unless the group policyholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer at least 60 days prior to the renewal date of the contract. The offer of renewal shall contain all terms and conditions of the contract.

3 New Section; Notice of Non-renewal, Terms of Renewal, or Cancellation. Amend RSA 420-A:1 by inserting after section 1 the following new section:

420-A:1-a Notice of Non-renewal, Terms of Renewal, or Cancellation. Every insurer shall provide at least 30 days' notice of non-renewal, cancellation, or offer of renewal to the policyholder.

4 New Section; Cancellation or Non-renewal of Group Insurance Contracts. Amend RSA 420-A by inserting after section 7-b the following new section:

420-A:7-c Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer unless the group policyholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer at least 60 days prior to the renewal date of the contract. The offer of renewal shall contain all terms and conditions of the contract.

5 New Section; Notice of Non-renewal, Terms of Renewal, or Cancellation. Amend RSA 420-B by inserting after section 1 the following new section:

420-B:1-a Notice of Non-renewal, Terms of Renewal, or Cancellation. Every health maintenance organization shall provide at least 30 days' notice of non-renewal, cancellation, or offer of renewal to the enrolled participant.

6 New Section; Cancellation or Non-renewal of Group Insurance Contracts. Amend RSA 420-B by inserting after section 8-b the following new section:

420-B:8-c Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer unless the group policyholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer at least 60 days prior to the renewal date of the contract. The offer of renewal shall contain all terms and conditions of the contract.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires insurers issuing policies or contracts under RSA 415, 420-A or 420-B to give the insured 30 days' notice prior to non-renewal, cancellation, or renewal.

This bill requires group hospital, surgical, medical insurance plans and health maintenance organizations to notify the insured group and each individual 60 days prior to cancelling a group policy and to provide notice of the right to continue coverage.

HB 1152, relative to confidentiality of information regarding videotape rentals. **ought to pass with amendment.**

This bill exempts videotape sales and rental records from public disclosure under the Right-to-Know Law. Such records may only be disclosed in very limited circumstances. Vote 13-1. Rep. Thea G. Braiterman for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Videotape Rental Records Exempt. Amend RSA 91-A:5, IV to read as follows:

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, *videotape sale or rental*, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

2 New Chapter; Confidential Videotape Rental and Sales Records. Amend RSA by inserting after chapter 351 the following new chapter:

CHAPTER 351-A

VIDEOTAPE RENTAL AND SALES RECORDS

351-A:1 Videotape Rental or Sales Records; Confidentiality.

I. Videotape rental or sales records which contain the names or other personal identifying information regarding the renters or purchasers of videotape shall be confidential and shall not be disclosed by any person or other entity renting or selling such videotapes except as provided in paragraph II.

II. Records described in paragraph I may be disclosed to the extent necessary for the proper operation of such videotape rental and sales establishments and shall be disclosed:

(a) Upon request by or consent of the renter or the renter's or buyer's parent or guardian in the case of a minor;

(b) To law enforcement agencies for the purpose of an ongoing criminal investigation regarding theft or failure to return videotapes;

(c) Pursuant to subpoena or court order; or

(d) Where otherwise required by statute.

III. Nothing in this section shall be construed to prohibit any videotape rental or sales establishment from releasing statistical information and other data regarding the circulation or use of videotape rental or sales materials, provided, however, that the identity of the renters or purchasers of such videotape rental or sales materials shall be considered confidential and shall not be disclosed to the general public except as provided in paragraph II. In the case of mail order sales, such statistical information and other data may include the names and addresses of persons who have purchased videotapes as long as no other information about the videotape, including title and content, is disclosed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill exempts videotape rental and sales records from public disclosure under the right-to-know law. Under this bill, such records may only be disclosed in very limited circumstances.

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors. **OUGHT TO PASS WITH AMENDMENT.**

The bill, requested by the Securities Regulation Director, increases the amount of bonds that can be requested to be posted by broker-dealers, etc. to protect New

Hampshire investors. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 421-B:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The director shall require licensed broker-dealers, agents, and investment advisors to post surety bonds *for the protection of New Hampshire investors* in a form and amount [that he shall determine, but equal to at least \$25,000] *which reflects the financial integrity and past regulatory compliance of said licensees. Such bonds shall be equal to at least \$25,000, but further amounts may be required by the director pursuant to rule as may be adopted hereunder.* Any appropriate deposit of cash or securities shall be accepted in lieu of any bond required. Every bond shall provide for suit thereon by any person who has a cause of action under RSA 421-B:25, and, if the director by rule or order requires, by any person who has a cause of action not arising under this chapter. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within 6 years after the sale or other act upon which it is based.

HB 1179-FN, relative to fair credit reporting. INEXPEDIENT TO LEGISLATE.

This bill refers to fair credit reporting. This federal act started in 1971. It is felt that the Banking Commissioner has the authority to do what is spelled out in this bill. Vote 18-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 1269-FN, relative to truth in lending. INEXPEDIENT TO LEGISLATE.

This bill was requested by the Banking Department relative to "truth in lending." The Subcommittee believes that this topic is covered by federal laws and the Banking Commissioner has authority now to handle any situations which arise. Vote 14-4. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 1272, relative to repairs to products under warranty. INEXPEDIENT TO LEGISLATE.

The current law has only been in effect for one year. The Committee felt the concerns of the sponsor's constituent were already mostly addressed in the current law and changes are not needed at this time. Vote 13-1. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

HB 1273-FN, regulating certain aspects of laundromats. INEXPEDIENT TO LEGISLATE.

There was no great demand for this bill. It was found that all new machines are electronically timed and that no gray water ever enters the wash cycle. Vote 11-2. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 1276, relative to sales of motor vehicles. OUGHT TO PASS WITH AMENDMENT.

This bill protects the auto dealers from unfair practice by the manufacturer. Vote 12-1. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 357-C:3, II(d) and (e) as inserted by section 2 of the bill by replacing them with the following:

(d) Change the location of the new motor vehicle dealership or, during the course of the agreement, make any substantial alterations to the dealership premises when to do so would be unreasonable;

(e) Pay or assume, directly or indirectly, any part of the cost of any advertising initiated by the manufacturer or distributor, unless voluntarily agreed to by such dealer, except such signs, brochures and promotional literature as are reasonably required by the manufacturers at each dealer's place of business; or

(f) Pay or assume, directly or indirectly, any part of the cost of any refund, rebate, discount, or other financial adjustment made by or lawfully imposed upon the manufacturer or distributor to, or in favor of, any customer of a motor vehicle dealer or other consumer, unless voluntarily agreed to by such dealer;

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Specific Language to Be Included in Agreement; Modification of Agreement. Amend RSA 357-C:6 by inserting after paragraph II the following new paragraph:

III. Every new selling agreement or amendment made to such agreement between a motor vehicle dealer and a manufacturer or distributor shall include, and if omitted, shall be presumed to include, the following language: "If any provision herein contravenes the valid laws or regulations of the state of New Hampshire, such provision shall be deemed to be modified to conform to such laws or regulations; or if any provision herein, including arbitration provisions, denies or purports to deny access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be void and unenforceable; and all other terms and provisions of this agreement shall remain in full force and effect."

Amend the introductory paragraph of RSA 357-C:7, VI as inserted by section 5 of the bill by replacing it with the following:

VI. Within 90 days of the valid termination or nonrenewal with notice, in good faith, and for good cause, of any franchise, and notwithstanding any terms therein to the contrary, the manufacturer or distributor shall pay to the new motor vehicle dealer:

Amend RSA 357-C:7, VI as inserted by section 5 of the bill by replacing all after subparagraph (c) with the following:

(d) The fair market value of all special tools and automotive service equipment owned by the dealer which were recommended in writing and designated as special tools and equipment by the manufacturer or distributor, and purchased from or at the request of the manufacturer or distributor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(e) The cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase by the manufacturer or distributor.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Bad Faith Termination. Amend RSA 357-C:7 by inserting after paragraph VI the following new paragraph:

VII. Within 90 days of a termination or nonrenewal without good cause or good faith by the manufacturer or distributor of any franchise, and notwithstanding any terms therein to the contrary, the manufacturer or distributor shall pay to the new

motor vehicle dealer the fair market value of the dealership facilities if such facilities were required to be purchased or constructed as a precondition to obtaining the franchise or to its renewal; provided that if such facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal, then the manufacturer or distributor shall be liable for one year's payment of the rent or the remainder of the term of the lease, whichever is less.

7 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill makes various changes in laws relative to regulation of business practices between motor vehicle manufacturers and distributors and motor vehicle dealers, including prohibiting a manufacturer or distributor from coercing the dealer to pay for any part of the cost of certain advertising initiated by the manufacturer or distributor, or of the cost of any refund, rebate, discount, or similar financial adjustment made by the manufacturer or distributor in favor of any customer, unless voluntarily agreed to by the dealer.

The bill requires that manufacturers or distributors pay dealers for the cost of warranty work performed by the dealers in an amount equal to the amount regularly charged by the dealer for non-warranty work of like kind, with certain exceptions.

The bill also requires, when a new motor vehicle dealer franchise is terminated or not renewed, that the manufacturer or distributor repurchase from the dealer various items in dealer inventory, including new, unsold, undamaged and complete motor vehicles of current or one-year-prior model year; new, unused, undamaged, unsold but resalable parts or accessories; and certain promotional items and service equipment.

HB 1282-FN, relative to licensing of nondepository first mortgage bankers and brokers. **OUGHT TO PASS WITH AMENDMENT.**

This bill makes changes in the licensing procedures for nondepository first mortgage bankers and brokers. It also establishes new rights for borrowers. It was requested by the Banking Department. Vote 11-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 397-A:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Borrower" means a homeowner or purchaser of a home who obtains funds from another by the signing of a note and first mortgage deed on a dwelling. The term shall include any legal successor to the borrower's rights or obligations.

Amend RSA 397-A:16, IV as inserted by section 10 of the bill by replacing it with the following:

IV. Pursuant to RSA 397-A:3, only mortgage brokers licensed under the provisions of this chapter shall be entitled to retain commissions for services rendered.

Amend RSA 397-A:20, II(d) as inserted by section 13 of the bill by replacing it with the following:

(d) Personal disclosure statements to meet the requirements of RSA 397-A:5, III.

HB 1284, relative to penalties for violations of the weights and measures law. **ought to pass with amendment.**

This bill, as amended, does three things: 1. It adds language "who, for personal gain" to the misdemeanor and fine section of the existing statute; 2. adds training for the Weights and Measures Inspectors; and 3. empowers inspectors to prosecute cases upon successful completion of their training program. Vote 12-1. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to penalties of the weights and measures law and the
inspectors and officials enforcing same.

Amend the unnumbered concluding paragraph of RSA 438:40 as inserted by section 1 of the bill by replacing it with the following:

Any person who, by himself or by his servant or agent, or *who, for personal gain* as the servant or agent of another person, performs any one of the acts enumerated in RSA 438:40 shall be guilty of a misdemeanor, and for any subsequent offense, any other person shall be guilty of a felony. Any person who violates any provision of RSA 438, or any rule or order issued under RSA 438 shall, in addition, be liable for a civil forfeiture not to exceed \$5,000 for each violation, or each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney general. Any person who violates any provision of RSA 438, or any rule or order of the commissioner, may be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

Amend the bill by replacing all after section 1 with the following:

2 Training. RSA 438:15-a is repealed and reenacted to read as follows:

438:15-a Training of Inspectors. Any inspector of the department of agriculture appointed to enforce the laws and rules pertaining to weights and measures under RSA 438 shall successfully complete the preparatory training program for part-time police officers established by the police standards and training council pursuant to RSA 188-F no later than 2 years from the date of hire. Upon successful completion of the training program such inspector shall be certified as a part-time police officer. Inspectors serving under permanent appointment on the effective date of this section who have the power to enforce the laws and rules pertaining to weights and measures under RSA 438 shall also successfully complete the preparatory training program for part-time police officers within one year of the effective date of this section and shall, upon completion, be certified as part-time police officers.

3 Prosecutions. RSA 438:43 is repealed and reenacted to read as follows:

438:43 Validity of Prosecutions. Inspectors and officials appointed to enforce this chapter or any other laws dealing with weights and measures are hereby empowered, upon their successful completion of the preparatory training program for part-time police officers established by the police standards and training council under RSA 188-F, to prosecute these laws within the jurisdiction of municipal and district courts, unless the prosecutorial jurisdiction over a particular case or class of cases is preempted by the county attorney or the attorney general. Prosecutions for violations of

any provision of this chapter are declared to be valid and proper, notwithstanding the existence of any other law of this state dealing with matters that may be the same as or similar to those covered by this chapter.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill removes the personal liability of an employee for offenses cited under RSA 438:40, relative to weights and measures violations, unless the employee performs unlawful tasks for personal gain.

This bill requires inspectors appointed to enforce weights and measures laws to complete a training program established by the police standards and training council.

Inspectors and officials completing the training program are empowered to prosecute cases in the municipal and district courts.

HB 1293-FN, relative to securities licensing procedures. REFER FOR INTERIM STUDY.

The Committee felt that there was merit in a portion of this bill. The sponsor's intent is certainly worth additional study. Vote 11-1. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 1300, relative to financing for community facilities of nonprofit community providers. OUGHT TO PASS WITH AMENDMENT.

This bill allows nonprofit corporations or nonprofit affiliates to acquire, construct, improve or equip community facilities to be financed with low-interest borrowings from the New Hampshire Housing Finance Authority. Part 2 of the amendment reduces from communities of 60,000 population to 20,000 to issue and sell its general obligation bonds and notes to be donated to a housing authority or used in the exercise of any other powers granted to municipalities under the provisions of RSA 203 and RSA 205. Vote 13-1. Rep. Leo W. Fraser for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to financing for community facilities of nonprofit community providers
and relative to bonds and notes used to fund housing authority projects.

Amend RSA 204-C:11-a, II as inserted by section 1 of the bill by replacing it with the following:

II. For purposes of this section, "community provider facilities" means facilities owned and used by a nonprofit corporation, or a nonprofit affiliate of a nonprofit corporation, including, but not limited to, homes for the handicapped, residential and day care facilities, administrative facilities, community facilities, transportation facilities, health facilities, recreational facilities, cultural facilities, educational facilities, and welfare facilities, deemed by the authority to be necessary, convenient, ancillary or desirable in connection with the rendering by such nonprofit corporation of services as a community provider to persons in the state.

Amend the bill by replacing all after section 1 with the following:

2 Raising Funds for Housing Authority Use. Amend RSA 203:23, XII to read as follows:

XII. Any municipality may issue and sell its general obligation bonds or notes to raise funds to be donated to a housing authority or used in the exercise of any of the other powers granted to the municipality under the provisions of RSA 203 and RSA 205, providing that any debt incurred as a result of the sale of such bonds or notes, by a municipality which has a population of more than [60,000] **20,000** as of the last published Federal census preceding such sale, shall be a debt outside of the statutory debt limit of the municipality and shall at no time be included in the net indebtedness of such municipality for the purpose of ascertaining its borrowing capacity.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the housing finance authority to make loans to certain nonprofit corporations, or their nonprofit affiliates, to acquire, construct, improve or equip community facilities that provide a desirable public benefit.

The bill also allows a municipality with a population of 20,000 or more to exclude debt incurred through the sale of bonds or notes to raise funds to be donated to a housing authority from the net indebtedness of the municipality when ascertaining its borrowing capacity. Current law makes this provision applicable to municipalities of 60,000 or more.

HB 1438, relative to the goals and objectives for reduction of solid waste. **OUGHT TO PASS WITH AMENDMENT.**

House Bill 1438 is a joint statement from the Department of Environmental Services, industry and the Committee on Environment and Agriculture establishing a 40 percent source reduction and recycling goal for solid waste in New Hampshire. The Committee recognizes this is an ambitious goal, but possible through education and participation by all. Vote 18-0. Rep. Douglass P. Teschner for Environment and Agriculture.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Statement of Purpose. Amend RSA 149-M by inserting after section 1 the following new section:

149-M:1-a Statement of Purpose; Solid Waste Reduction.

I. The general court of the state of New Hampshire finds that the state's citizens, municipalities and businesses are faced with a solid waste disposal crisis. State and local government must address the rising cost and environmental impacts of solid waste disposal.

II. The general court supports integrated solid waste disposal solutions which are environmentally safe and economically sound. The general court endorses, in order of preference, the following waste management methods:

- (a) Source reduction;
- (b) Recycling, reuse, and composting;
- (c) Waste-to-energy technologies (including incineration);
- (d) Incineration without resource recovery; and
- (e) Landfilling.

III. The general court further declares that the goal of the state, for the period 1990-2000, is to achieve a 40 percent minimum weight reduction in the solid waste

stream on a per capita basis. This goal shall be achieved through a combination of source reduction, recycling and reuse, and composting.

IV. By December 1, 1990, and by April 1 of each even numbered year thereafter, the department of environmental services shall submit a written report to the governor and council, senate president, speaker of the house, the house environment and agriculture committee, and the senate development, recreation and environment committee which shall include, but not be limited to, the following:

(a) The total amount by weight of solid waste generated or disposed of in the state on a per capita basis during the previous calendar year.

(b) The extent that each waste management method listed in paragraph II was used to manage the solid waste stream.

(c) The level of achievement in reaching the 40 percent reduction goal established in paragraph III.

(d) Proposed strategies for achieving the 40 percent reduction goal including, but not limited to, public education, private sector initiatives, municipal solid waste district initiatives, and state and federal legislative action.

(e) Analysis of past strategies for solid waste reduction and their level of success.

V. In exercising any and all powers conferred upon the division of waste management under this chapter, the division shall utilize and consider criteria relevant to the declaration of purpose established in this section.

2 Solid Waste Management; Establishment of Goals. Amend RSA 149-M:8, I, to read as follows:

I. Establish solid waste management policies and goals *consistent with the provisions of RSA 149-M:1-a*;

AMENDED ANALYSIS

This bill establishes the goals and objectives for the reduction of solid waste for the state of New Hampshire. Under this bill, the general court endorses, in order of preference, the following waste management methods:

(a) Source reduction;

(b) Recycling, reuse, and composting;

(c) Waste-to-energy technologies (including incineration);

(d) Incineration without resource recovery; and

(e) Landfilling.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations. **OUGHT TO PASS WITH AMENDMENT.**

The Committee sees great benefit for both New Hampshire employees and employers by allowing the Labor Commissioner to consult with chiropractors in Workers' Compensation matters. This bill also amends technical errors in the Minimum Wage Law, as passed in 1989. Vote 15-0. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.

Amend the bill by replacing section 3 with the following:

3 Reference Change. Amend 1989, 86:3 to read as follows:

86:3 Applicability; Contingent Repeal. In the event federal minimum wage levels are increased and exceed the state levels under RSA 279:21, RSA 279:21 shall be deemed repealed. If such federal wage levels are so increased, the labor commissioner shall certify to the secretary of state the date on which RSA 279:21 shall be deemed repealed.

4 Effective Date.

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds the name of the New Hampshire Straight Chiropractic Society, Inc. in RSA 281-A to ensure that the entire chiropractic profession is included for purposes of workers' compensation.

The bill adds the name of such society to the law regarding professional standards review organizations for purposes of reviewing and evaluating members of the chiropractic profession.

The bill also corrects a reference relating to the minimum wage law.

REGULAR CALENDAR

HB 1101-FN, relative to welfare costs paid by the county to the state of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Although most members of the Appropriations Committee agree that the state should return to the old 50-50 split of welfare costs with the counties, the majority of the Committee does not think that this bill solves the problem. The cost to the state would be at least \$4 million during this biennium. Vote 12-5. Rep. Elizabeth Hager for Appropriations.

Resolution adopted.

HB 1114-FN-A, establishing a committee to study the care of the elderly and making an appropriation for meals on wheels.(A) **OUGHT TO PASS WITH AMENDMENT.**

This legislation adds three members to the State Commission on Aging and charges them to study the care of the elderly. In addition, it appropriates additional funds for meals on wheels which will restore 38,400 meals. The Fiscal Note calls for state expenditures of \$126,450 for the '90-'91 biennium. Vote 17-1. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a study of care of the elderly and making
an appropriation for meals on wheels.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court hereby finds the following:

(a) That home-based services enable many elderly, who otherwise would be unable to fully care for themselves, to continue to live in their own homes instead of expensive institutions.

(b) That the quality of life of elderly people is high if they are able to remain in their own homes.

(c) That home-based services are very cost effective when compared to the high cost of institutionalized care.

(d) That elderly care is a continuum beginning with minimum services continuing through institutionalization and hospital care.

(e) That if the continuum is broken, the potential for institutionalization is immediate.

(f) That 7 out of 10 elderly persons entering an institution quickly exhaust their resources and become totally dependent on Medicaid.

(g) That any delay of entry into an institution dramatically reduces the cost of long-term care.

(h) That 2 of the most important services to elderly people are meals on wheels and transportation, and the lack of such services make it impossible for even the elderly with minimal disabilities to remain at home.

II. Therefore, although it appears to the general court that home-based services for the elderly are desirable and economical, a study is necessary to determine the actual facts regarding the care of the elderly.

2 State Committee on Aging to Conduct Study.

I. The state committee on aging established in RSA 161-F:7 shall study the current state-funded programs for care of the elderly, any new or alternative programs which could better serve the elderly and the estimated costs of programs for care of the elderly for the years 2000 and 2010. Other areas of study shall include, but not be limited to, the following:

(a) Future costs of current programs.

(b) The current and future effectiveness of current programs in meeting the needs of the elderly.

(c) Legislation and laws of other states.

(d) Future issues relating to the care of the elderly.

(e) Demographics.

(f) Possible future problems with current programs.

(g) Options and alternative approaches together with estimated costs.

(h) Available public and private resources to be used in the care of the elderly.

(i) The effect and costs of home-based care.

II. The committee shall submit a report by December 1, 1991, to the governor, the speaker of the house, the president of the senate and the commissioner of the department of health and human services. The report shall include its findings and any recommendations for legislative action the committee deems desirable.

3 Three Members Added. Amend RSA 161-F:7, I to read as follows:

I. There shall be a state committee on aging which shall consist of [15] **18** members. Three members shall be appointed by the governor with the approval of the council from each of the 5 councilor districts established under RSA 662:2. *The committee shall also include the chairman of the joint legislative committee on elderly affairs, one representative appointed by the speaker of the house, and one senator appointed by the president of the senate.* Each of the members shall serve for a term of 3 years *except the legislative members' terms shall be co-terminus with their 2-year legislative terms.* At least 8 members shall be 60 years of age or older at the time of their appointment, and not more than 8 members shall be of the same political party. [Eight] **Nine** members shall constitute a quorum. No member shall serve more than 2 consecutive terms, and no member shall have a material financial interest in any agency receiving federal or other funds administered by the committee.

4 Appropriation. The sum of \$126,450, to be used for the purpose of PAU 05, 01, 06, 03, 01, class 93, for meals on wheels, for the biennium ending June 30, 1991, is hereby appropriated to the division of elderly and adult services, department of health and human services. This appropriation shall be in addition to any other sums appropriated to the division for these purposes and shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury no otherwise appropriated.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the state committee on aging to study the issue of care of the elderly. The committee is to submit its report by December 1, 1991, to the governor, the speaker of the house, the president of the senate and the commissioner of health and human services.

The bill adds 3 members to the state committee on aging.

The bill also makes an appropriation to the division of elderly and adult services for the purpose of increasing the amount available for meals on wheels.

Amendment adopted.

Ordered to third reading.

HB 1178-FN-A, relative to marital masters and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

This bill would appropriate funds for five additional Marital Masters, necessary equipment and support staff. The Committee received testimony that Federal Funds are being applied for to accomplish the same end. When such funds become available, the Court system, according to RSA 124:14, may, upon approval of the Fiscal Committee and Governor and Council, accept and budget said funds. The amendment reduces the appropriation to \$1. It also changes the word "recorders" to "monitors." Vote 16-1. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Supreme Court. The sums of \$1 from the general fund and \$522,677 from estimated federal funds are appropriated for the fiscal year ending June 30, 1991, to the supreme court for the purpose of employing 5 additional marital masters and providing necessary equipment and stenographic support for such marital masters. The sums appropriated shall be used as follows:

I. Marital Masters (5)

| | |
|---------------------|-----------|
| Salary | \$316,050 |
| Benefits | 75,852 |
| Dictating equipment | 2,000 |
| Robe | 1,500 |
| Travel | 10,000 |
| Library | 3,400 |
| | 408,802 |

II. Court monitors (5)

| | |
|---------------------------|-----------|
| Salary (LG 10) | \$ 79,900 |
| Benefits | 19,176 |
| Equipment-desks/chairs | 4,800 |
| Computerization-terminals | 10,000 |
| | 113,876 |

| | |
|---------------------------|-----------|
| Total Appropriation | \$522,678 |
| Estimated federal revenue | -522,677 |
| Net state appropriation | \$ 1 |

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Estimated Federal Funds. If federal funds actually received under section 1 exceed the amount of federal funds estimated, the net state appropriation shall be reduced by the amount of excess federal funds.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill appropriates funds to the supreme court for the purpose of employing 5 additional marital masters and providing necessary equipment and stenographic support for such marital masters.

Amendment adopted.

Ordered to third reading.

HB 1250-FN, relative to employees of the dog and horse racing industry.(A) OUGHT TO PASS WITH AMENDMENT.

The bill would permit employees of the dog and horse racing industry to become "public employees" for the purpose of the Public Employee Labor Relations Law (RSA 273-A). The amendment prohibits dog and horse racing employees from receiving retirement or health benefits through the New Hampshire Retirement System. Vote 16-2. Rep. Stacey W. Cole for Appropriations.

Amendment

Amend the bill by replacing section 3 with the following:

3 Applicability. Nothing in this act shall be construed to entitle dog or horse racing employees to benefits under the New Hampshire retirement system or to health benefits provided to public employees through the New Hampshire retirement system or the state.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Kidder moved that the Rules be so far suspended as to permit consideration at the present time of HB 1310, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and authorizing certain organizations to participate in the New Hampshire retirement system, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and authorizing certain organizations to participate in the New Hampshire retirement system. (A) OUGHT TO PASS WITH AMENDMENT.

This bill allows group I members in service on or after June 30, 1990 to purchase out-of-state service in another state's retirement system as creditable service in the New Hampshire Retirement System if the member meets certain requirements. In no case should such service be creditable state service for purposes of eligibility for

medical benefits. The bill also permits Spaulding Youth Center and Spaulding Youth Center Foundation to join group I, teachers section. The amendment extends the Joint Committee to Study Participation by Non-governmental Organizations to January 1991. Vote 10-7. Rep. Channing T. Brown for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system.

Amend the bill by replacing all after section 1 with the following:

2 New Subparagraph; Participation in the New Hampshire Retirement System. Amend RSA 100-A:29, II by inserting after subparagraph (k) the following new subparagraph:

(l) The Spaulding Youth Center and the Spaulding Youth Center Foundation.

3 Final Report Required. Amend 1989, 403:4 to read as follows:

I. The committee shall submit a report of its findings, together with recommendations for any proposed legislation for the 1990 legislative session, to the governor, the speaker of the house of representatives, and the senate president no later than December 1, 1989.

II. The committee shall submit a final report of its findings to the governor, the speaker of the house and the senate president no later than January 1, 1990, and recommend proposed legislation for the 1991 legislative session, if appropriate.

4 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill allows every group I member who transferred into the New Hampshire retirement system on or after June 30, 1990, as an active member of another state's retirement system to purchase his out-of-state service as creditable service in the New Hampshire retirement system if the member meets certain requirements.

The bill also permits the Spaulding Youth Center and the Spaulding Youth Center Foundation to participate in the New Hampshire retirement system.

The bill also requires the committee established to study participation by nongovernmental organizations in the New Hampshire retirement system to submit a final report with its recommendations to the governor, the speaker of the house and the senate president no later than January 1, 1990.

Amendment adopted.

Ordered to third reading.

HB 1326-FN, relative to the sale or lease of certain institutional lands. **OUGHT TO PASS WITH AMENDMENT.**

The amendment returns the bill to the form in which it was introduced. The Committee finds that any fiscal impact of the bill will be positive. Vote 15-2. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Leasing Authorized. Amend RSA 10:4 to read as follows:

10:4 Acquisition and Disposal of Real Estate for Institutions. Except as provided in RSA 4:39-a, upon request of the director of the division of mental health and develop-

mental services, the director of the division of public health services, or the division for children and youth services, the governor and council may buy, sell, *lease*, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction and, at the request of any of the above or that of the trustees of the university system of New Hampshire, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

2 New Section; Proceeds from Disposal of Real Estate for Certain Institutions. Amend RSA 10 by inserting after section 4 the following new section:

10:5 Proceeds from Disposal of Real Estate for Certain Institutions. The proceeds from the sale or lease pursuant to RSA 10:4 of any land under the jurisdiction of the director of the division of mental health and developmental services, including land at the New Hampshire hospital, Laconia developmental services, and the Glenclyff home for the elderly, shall be placed in a community assistance trust for use within the community mental health and developmental services system. The trust funds shall be in the custody of the state treasurer and shall be administered in accordance with RSA 11. The governor and council may accept contributions, donations, or bequests to the trust and the director of the division of mental health and developmental services, with the prior approval of the governor and council, may use any portion or all of the trust funds and interest earned thereon for capital expenditures within the community mental health and developmental services system.

AMENDED ANALYSIS

This bill authorizes the governor and council to lease institutional land upon the request of certain division directors within the department of health and human services. Current law authorizes buying, selling, or exchanging such land.

This bill directs that any proceeds from the sale or lease of land under the jurisdiction of the director of the division of mental health and developmental services shall be placed in a trust which shall be in the custody of the state treasurer. The trust shall be administered in accordance with RSA 11. The trust funds and any interest earned on such funds may be used, upon the approval of governor and council, for capital expenditures within the community mental health and developmental services system.

This bill was requested by the division of mental health and developmental services.

Rep. Hager yielded to questions.

On a voice vote, the Chair was in doubt and called for a division, 168 having voted in the affirmative and 106 in the negative, the amendment was adopted.

Ordered to third reading.

HB 1349-FN-A, relative to increasing provider participation in the Medicaid program and making an appropriation therefor. (A) **RECOMMENDED BUT TO BE LAID ON THE TABLE BECAUSE OF FUNDING**

The Committee supports the intent of this bill, but the funds are not available to increase Medicaid provider payments as proposed in this bill. The Department of Health and Human Services has made a commitment to the Committee that it will proceed through rulemaking to allow well-child clinics to bill Medicaid for all services provided. Vote 16-2. Rep. Ellen-Ann Robinson for Appropriations.

Rep. Micklon moved that the words, Ought to Pass with Amendment, be substituted for the report of the Committee, Recommended but to be Laid on the Table Because of Funding, spoke to her motion and yielded to questions.

Rep. Hager spoke against the motion and yielded to questions.

Rep. Copenhagen requested a quorum count.

The Speaker declared a quorum present.

Rep. Nardi spoke in favor of the motion and yielded to questions.

Rep. Katherine Foster spoke in favor of the motion.

Rep. Robinson spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 144**NAYS 160****YEAS 144****BELKNAP**

Campbell, Richard H., Jr.
Maviglio, Steven R.

Golden, Paul A.
Salatiello, Thomas

Hawkins, Robert S.
Ziegra, Alice S.

CARROLL

Daly, Robert J., Jr.
Powers, Gerard E., Jr.

MacDonald, Kenneth J.

Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine Davis
Perry, David M.

Blacketor, Paul G.
LaMar, David M.
Spear, Susan

Cole, Kenneth A.
Matson, William R.
Young, David A.

COOS

Buckley, C. Fitzgerald, III
Lemire, George
Therault, Romeo J.

Dumont, Robert E.
Mayhew, Josephine
Woodburn, Jeffrey R.

Kilbride, Dennis J.
Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Chambers, Mary P.
Teschner, Douglass P.

Bean, Pamela B.
Copenhaver, Marion L.
Wadsworth, Karen O.

Bennett, Shirley M.
Densmore, Edward D.

HILLSBOROUGH

Amidon, Eleanor H.
Barry, Vivian
Cote, David E.
Dube, Ellen C.
Emerton, Lawrence
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Healy, Daniel J.
Jean, Romeo W.
Kelley, Robert N.
Knight, Alice Tirrell
Lozeau, Donnalee
McNerney, Daniel P.
Morrisette, Roland

Andrews, Frederick B.
Bowers, Dorothy C.
Daigle, Robert Arthur
Dwyer, Patricia R.
Fields, Dennis H.
Gerow, Sezen M.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Holden, Carol H.
Jenkins, Mary
King, John A.
Leclerc, Charles J.
McCann, Bonnie Lou
Messier, Irene M.
Murphy, Robert E.

Baldizar, Barbara J.
Burkush, Peter
Donovan, Francis X.
Elliott, Larry G.
Flood, Jacqueline J.
Goulet, Maurice E.
Haettenschwiller, A. A.
Harlan, Susan N.
Hunter, Bruce F.
Johnson, Lionel W.
Klose, John F.
Lefebvre, Roland J.
McDowell, James E.
Moore, Elizabeth A.
Nardi, Theodora P.

O'Rourke, JoAnne A.
 Pepino, Leo P.
 Soucy, Lillian E.
 Turgeon, Roland M.

Packard, Bonnie B.
 Pignatelli, Debora B.
 Spaloss, Henry F.

Pappas, Toni
 Searles, Stanley N., Sr.
 Toomey, Daniel

MERRIMACK

Bardsley, Elizabeth S.
 Daneault, Gabriel
 Hill, Michael
 Johnson, C. William
 Shaw, Randall F.
 Trombly, Rick A.

Beaton, Nancy
 Dunn, Miriam
 Holmes, Mary C.
 Pfaff, Terence R.
 Smith, Gerald R.
 Wallner, Mary Jane

Bennett, J. Allen
 Fair, Patricia A.
 Jacobson, Alf E.
 Provencal, Leo A.
 Soldati, Jennifer

ROCKINGHAM

Bell, Juanita
 Campbell, Marilyn R.
 Cote, Patricia L.
 Katsakiores, George N.
 McCarthy, John James, Jr.
 Senter, Merilyn P.
 Vaughn, Charles L.

Blanchard, MaryAnn N.
 Chase, Lawrence A., Jr.
 Gage, Beverly A.
 Katsakiores, Phyllis
 McGovern, Cynthia A.
 Sherburne, John L.
 Warburton, Calvin

Boucher, William Paul
 Conroy, Janet M.
 Hollingworth, Beverly A.
 MacDonald, Maurice B.
 Micklon, Stephanie K.
 Sochalski, Matthew M.
 Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
 Keans, Sandra Balomenos
 Merrill, Amanda
 Scharff, Thomas Edward

Burton, Wayne M.
 Lachance, Douglas
 O'Brien, John
 Sullivan, Henry P.

Gilmore, Gary
 McCann, William H., Jr.
 Pelley, Janet R.
 Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
 Stamatakis, Carol M.

Harland, Jane A.

Hinrichsen, Keith

NAYS 160

BELKNAP

Hardy, Earle D.
 Randall, Kenneth A.
 Turner, Robert H.

Holbrook, Robert G.
 Rice, Thomas, Jr.
 Vogler, Charles C.

Pearson, Ralph W.
 Rosen, Ralph J.

CARROLL

Allard, Nanci A.
 Dodge, Arthur G., Jr.

Chandler, Gene G.
 Foster, Robert W.

Dickinson, Howard C., Jr.
 Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
 Delano, Robert F.
 Hunt, John B.
 Morse, Jo-Ann T.

Cole, Stacey W.
 Gordon, Irvin H.
 Laurent, John J.
 Pearson, Gertrude B.

Crutchley, Donald O.
 Grodin, Richard A.
 Metzger, Katherine H.
 Sawyer, Alfred P.

COOS

Brungot, Catherine V.
 Horton, Lynn C.
 Oleson, Otto H.

Burns, Harold W.
 Marsh, Beaton

Guay, Lawrence J.
 Merrill, Gerald

GRAFTON

| | | |
|-------------------------|----------------------|---------------------|
| Adams, Carl S. | Brown, Channing T. | Christy, C. Dana |
| Dow, David | Driscoll, William J. | Hill, Richard L. |
| LaMott, Paul I. | Larson, Nils H., Jr. | Markley, J. Keith |
| Rose, William B. | Scanlan, David M. | Stewart, Roger |
| Townsend, Howard C. | Ward, Kathleen W. | Weymouth, Philip H. |
| Whitcomb, Henry F., Jr. | White, Paul R. | |

HILLSBOROUGH

| | | |
|------------------------|------------------------|------------------------|
| Alukonis, David J. | Cowenhoven, Garret P. | Desrochers, Gerard T. |
| Desrosiers, William J. | Dionne, Paul R. | Dodge, Emma M. |
| Domaingue, Jacquelyn | Drolet, Paul L. | Dyer, Merton S. |
| Ford, Nancy M. | Hultgren, David D. | Jasper, Shawn N. |
| Keefe, Edmund M. | Kress, Gloria W. | Kurk, Neal M. |
| Lachut, Ervin R. | Lawrence, Eva M. | Lawrence, Norman B. |
| Lown, Elizabeth | Mason, Howard F. | McRae, Karen |
| Ouellette, Robert O. | Perham, Lester R. | Prestipino, Bartolo V. |
| Riley, Frances L. | Robinson, Ellen-Ann | Rodgers, G. Philip |
| Schneiderat, Catherine | Smith, Leonard A. | Steiner, Lee Anne |
| Stiles, Walter A. | Tarpley, Nancy L. | Tyree, Paul M. |
| Upton, Barbara Allen | Vanderlosk, Stanley R. | Wheeler, David K. |
| Wright, George W. | Young, Willard N. | |

MERRIMACK

| | | |
|------------------|----------------------|-----------------------|
| Apple, Lowell D. | Barberia, Richard A. | Boucher, Laurent J. |
| Fillion, Paul R. | Fraser, Leo W., Jr. | Gross, Caroline L. |
| Hager, Elizabeth | Hall, Douglas E. | Kidder, William F. |
| Lewis, Mary Ann | Lockwood, Robert A. | Millard, Elizabeth S. |
| Nichols, Avis B. | Phelps, James D. | Stio, Peter M. |
| Teague, Bert | West, George M. | Whittemore, James A. |

ROCKINGHAM

| | | |
|------------------------|-------------------------|-----------------------|
| Anderson, Carl F., III | Brown, Lewis W. | Buco, Stephen |
| Dube, LeRoy S. | Felch, Charles H., Sr. | Fesh, Robert M. |
| Flanders, John W., Sr. | Ford, Bert H. | Forsythe, Douglas G. |
| Gage, Thomas U. | Greene, Elizabeth A. | Haynes, Richard L. |
| Hoar, John, Jr. | Hoelzel, Kathleen M. | Johnson, Robert A. |
| King, Roger C. | Klemarczyk, Thaddeus E. | Klemm, Arthur P., Jr. |
| Lovejoy, Virginia K. | Magoon, Harold F. | Malcolm, Kenneth W. |
| McCain, William F. | McKinney, Betsy | Parr, Ednapearl F. |
| Raynowska, Bernard J. | Ritzo, Eugene | Seward, Russell G. |
| Skinner, Patricia M. | Sytek, Donna | Welch, David A. |
| Wright, David B. | | |

STRAFFORD

| | | |
|------------------|---------------------|----------------------|
| Bernard, Mary E. | Dionne, Albert J. | Flynn, Anita A. |
| Flynn, Edward J. | Foss, Patricia H. | Frechette, Roland A. |
| Kinney, Paula J. | Marston, Robert E. | Martling, W. Kent |
| Parks, Joe B. | Stewart, Glenn W. | Torr, Ann M. |
| Torr, Ralph W. | Vincent, Francis C. | Young, John B. |

SULLIVAN

Behrens, Thomas A.

Domini, Irene C.

Krueger, Richard H.

MacAskill, Kenneth M.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

Schotanus, Merle W.,

and the substitute motion lost.

Report adopted.

(Deputy Speaker Burns in the Chair)

HB 1406-FN, relative to hazardous waste transporter permits and the definition of waste and establishing a committee to study medical waste. (A) **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, makes certain changes relative to accrual and deposit of interest to the Hazardous Waste Clean-up Fund. It increases enforcement cost authority by \$100,000 from the fund; and establishes a committee to study medical waste and to submit its report by November 1, 1990. Vote 16-1. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

Amend the bill by replacing section 2 with the following:

2 Deposit of Interest Earned on Hazardous Waste Cleanup Fund.

I. Notwithstanding RSA 147-B:3, II, all interest accrued from investments made by the state treasurer under RSA 147-B:3 from June 23, 1981 to the effective date of this section and due the hazardous waste cleanup fund shall remain in the general fund.

II. Notwithstanding RSA 147-B:3, II, all interest received from investments made by the state treasurer under RSA 147-B:3 from the effective date of this section to June 30, 1990, shall be credited to the general fund.

III. On and after July 1, 1990, all interest received from investments made by the state treasurer under RSA 147-B:3 shall be credited to the hazardous waste cleanup fund.

Amend the bill by replacing section 13 with the following:

13 Appointments. The appointment of the members enumerated in section 9 of this act shall be made within 30 days of the effective date of this section.

Amend the bill by replacing section 17 with the following:

17 Effective Date.

I. Sections 7 and 8 of this act shall take effect July 1, 1990.

II. The remainder of this act shall take effect upon its passage.

Amend the bill by deleting sections 3 and 8 and renumbering the original sections 4-7 and 9-17 to read as 3-15, respectively.

AMENDED ANALYSIS

This bill modifies the definition of waste in the hazardous waste management chapter to include certain wastewaters in sewer systems.

The bill makes certain changes relative to the hazardous waste cleanup fund.

This bill also establishes a committee to study the issue of medical waste. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house, the senate president and the governor, no later than November 1, 1990.

Amendment adopted.

Ordered to third reading.

Rep. Trombly wished to be recorded against the amendment.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians. OUGHT TO PASS.

This bill establishes a well-rounded study committee. There was no negative testimony at the public hearing, and the Committee felt if positive findings could come from studying various compensation systems for patient injuries which might result in health care cost containment, the Committee is all for it! Vote 13-1. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Rep. Fraser yielded to questions.

Ordered to third reading.

HB 1215, relative to mandatory risk sharing plans. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

MAJORITY: This bill unduly limits the existing authority of the Insurance Commissioner to establish broadly-based risk sharing pools. Under present law, the Insurance Commissioner is authorized to establish risk sharing pools whenever he finds that any form of liability insurance is not readily available in the voluntary market and the public interest requires this availability. This bill would undo the progress made in the base support for the Joint Underwriters Association and restrict the base more narrowly. This legislation is pursued by one insurance company which has resisted participating. Vote 16-2. Rep. Bonnie B. Packard for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: This bill prevents the Insurance Commissioner from making an assessment against one line of insurance because of a deficit in a totally unrelated line of insurance. A little history may help to support the rationale behind this proposed legislation.

Back in the mid-70s health care providers began to experience difficulty in acquiring medical malpractice insurance; consequently, New Hampshire created the New Hampshire Medical Malpractice Joint Underwriting Association (JUA). In 1981, the JUA began to run a large deficit because of an increase in the number of medical malpractice claims filed, settled and awarded. To help bail out the JUA, the Insurance Commissioner in 1985 adopted rules that required one line of insurance (for example — auto) to cover the deficit in another line (in this case — medical). It is unfair, illogical, and of questionable legal authority for the Insurance Commissioner to assess an insurer who writes no medical malpractice insurance and has no control or input over such insurance line.

House Bill 1215 merely overturns the Commissioner's rule and returns the situation to the pre-1985 position where those that were responsible for the deficit pay for it themselves. Rep. Deborah L. Arnesen for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Copenhagen moved that the report of the minority, Ought to Pass, be substituted for the report of the majority, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Packard spoke against the motion and yielded to questions.

On a division vote, 103 members having voted in the affirmative and 192 in the negative, the substitute motion lost.

Resolution adopted.

Reps. Gross and Robert Foster abstained from voting under Rule 16.

(Speaker in the Chair)

SENATE MESSAGES

CONCURRENCE

HB 1038-A, relative to revenue raising measures and certain appropriations.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1502-FN-A, increasing the beer tax. (Amendment printed SJ, 2/15/90)

Rep. Sytek moved that the House concur.

Adopted.

HB 1505-FN-A, relative to motor vehicle road tolls and fees and a gasoline floor tax. (Amendment printed SJ, 2/15/90)

Rep. Phelps moved that the House concur and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 231

NAYS 73

YEAS 231

BELKNAP

Bolduc, Dennis R.

Hawkins, Robert S.

Randall, Kenneth A.

Salatiello, Thomas

Ziegler, Alice S.

Campbell, Richard H., Jr.

Holbrook, Robert G.

Rice, Thomas, Jr.

Turner, Robert H.

Hardy, Earle D.

Pearson, Ralph W.

Rosen, Ralph J.

Vogler, Charles C.

CARROLL

Allard, Nanci A.

Dickinson, Howard C., Jr.

MacDonald, Kenneth J.

Wiggin, Allen R.

Chandler, Gene G.

Dodge, Arthur G., Jr.

Olimpio, J. Lisbeth

Daly, Robert J., Jr.

Foster, Robert W.

Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.

Crutchley, Donald O.

Gordon, Irvin H.

LaMar, David M.

Pearson, Gertrude B.

Cole, Kenneth A.

Delano, Robert F.

Grodin, Richard A.

Metzger, Katherine H.

Perry, David M.

Cole, Stacey W.

Foster, Katherine Davis

Hunt, John B.

Morse, Jo-Ann T.

Sawyer, Alfred P.

COOS

Brungot, Catherine V.

Guay, Lawrence J.

Lemire, George

Merrill, Gerald

Burns, Harold W.

Horton, Lynn C.

Marsh, Beaton

Nelson, Harold D.

Dumont, Robert E.

Kilbride, Dennis J.

Mayhew, Josephine

Oleson, Otto H.

GRAFTON

Adams, Carl S.

Bennett, Shirley M.

Driscoll, William J.

Markley, J. Keith

Arnesen, Deborah L.

Brown, Channing T.

LaMott, Paul I.

Rose, William B.

Bean, Pamela B.

Christy, C. Dana

Larson, Nils H., Jr.

Scanlan, David M.

Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Alukonis, David J.
Barry, Vivian
Daigle, Robert Arthur
Dodge, Emma M.
Dube, Ellen C.
Fields, Dennis H.
Grip, Robert H.
Holden, Carol H.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Lefebvre, Roland J.
McCann, Bonnie Lou
Messier, Irene M.
Packard, Bonnie B.
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Tyree, Paul M.
Wheeler, David K.

Amidon, Eleanor H.
Bowers, Dorothy C.
Desrosiers, William J.
Donovan, Francis X.
Dyer, Merton S.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Hultgren, David D.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Eva M.
Lown, Elizabeth
McNerney, Daniel P.
Moore, Elizabeth A.
Pappas, Toni
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Upton, Barbara Allen
Young, Willard N.

Andrews, Frederick B.
Cowenhoven, Garret P.
Dionne, Paul R.
Drolet, Paul L.
Emerton, Lawrence
Goulet, Maurice E.
Harlan, Susan N.
Jean, Romeo W.
Klose, John F.
Kurk, Neal M.
Lawrence, Norman B.
Mason, Howard F.
McRae, Karen
Murphy, Robert E.
Perham, Lester R.
Sallada, Roland A.
Smith, Leonard A.
Turgeon, Roland M.
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Boucher, Laurent J.
Fillion, Paul R.
Hager, Elizabeth
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
Whittemore, James A.

Bardsley, Elizabeth S.
Dunn, Miriam
Fraser, Leo W., Jr.
Hall, Douglas E.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
Teague, Bert

Beaton, Nancy
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
West, George M.

ROCKINGHAM

Boucher, William Paul
Chase, Lawrence A., Jr.
Cote, Patricia L.
Flanders, Harry E.
Gage, Beverly A.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Parr, Ednapearl F.

Buco, Stephen
Conroy, Janet M.
Dube, LeRoy S.
Flanders, John W., Sr.
Gage, Thomas U.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McCain, William F.
McKinney, Betsy
Ritzo, Eugene

Campbell, Marilyn R.
Cooke, Annette M.
Felch, Charles H., Sr.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Magoon, Harold F.
McCarthy, John James, Jr.
Micklon, Stephanie K.
Senter, Marilyn P.

Seward, Russell G.
 Sochalski, Matthew M.
 Welch, David A.

Sherburne, John L.
 Sytek, Donna
 Weyler, Kenneth L.

Skinner, Patricia M.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Flynn, Anita A.
 Frechette, Roland A.
 Marston, Robert E.
 Musler, George T.
 Scharff, Thomas Edward
 Wheeler, Katherine Wells

Bernard, Mary E.
 Flynn, Edward J.
 Gilmore, Gary
 Martling, W. Kent
 O'Brien, John
 Stewart, Glenn W.
 Young, John B.

Dionne, Albert J.
 Foss, Patricia H.
 Kinney, Paula J.
 Merrill, Amanda
 Parks, Joe B.
 Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

Burling, Peter Hoe
 Krueger, Richard H.
 Peyron, Fredrik

Domini, Irene C.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

NAYS 73

BELKNAP

Golden, Paul A.

Maviglio, Steven R.

CARROLL

NONE.

CHESHIRE

Barber, Robert E., Jr.
 Matson, William R.

Blacketor, Paul G.
 Spear, Susan

Laurent, John J.
 Young, David A.

COOS

Theriault, Romeo J.

GRAFTON

Chambers, Mary P.
 Dow, David

Copenhagen, Marion L.
 Hill, Richard L.

Densmore, Edward D.

HILLSBOROUGH

Baldizar, Barbara J.
 Domaingue, Jacquelyn
 Flood, Jacqueline J.
 Green, Scott E.
 Hanselman, Gregory L.
 Jasper, Shawn N.
 King, John A.
 McDowell, James E.
 O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Soucy, Lillian E.
 Toomey, Daniel

Burkush, Peter
 Dwyer, Patricia R.
 Frank, Nancy G.
 Haettenschwiller, A. A.
 Healy, Daniel J.
 Jenkins, Mary
 Leclerc, Charles J.
 Morrisette, Roland
 Ouellette, Robert O.
 Prestipino, Bartolo V.
 Spaloss, Henry F.
 Wright, George W.

Desrochers, Gerard T.
 Elliott, Larry G.
 Gerow, Sezen M.
 Hall, Betty B.
 Hunter, Bruce F.
 Johnson, Lionel W.
 Lozeau, Donnalee
 Nardi, Theodora P.
 Pepino, Leo P.
 Riley, Frances L.
 Stiles, Walter A.

MERRIMACK

Barberia, Richard A.
Provencal, Leo A.
Wallner, Mary Jane

Bennett, J. Allen
Soldati, Jennifer

Daneault, Gabriel
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Fesh, Robert M.
Vaughn, Charles L.

Bell, Juanita
Ford, Bert H.
Wright, David B.

Brown, Lewis W.
Raynowska, Bernard J.

STRAFFORD

Burton, Wayne M.
McCann, William H., Jr.
Torr, Ralph W.

Keans, Sandra Balomenos
Pelley, Janet R.
Vincent, Francis C.

Lachance, Douglas
Sullivan, Henry P.

SULLIVAN

Stamatakis, Carol M.,
and the House concurred with the Senate amendment.

HB 1170, to increase the real estate transfer tax for the biennium ending June 30, 1991. (Amendment printed SJ, 2/15/90)

Rep. Sytek moved that the House concur, spoke to her motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 217**NAYS 87****YEAS 217
BELKNAP**

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas, Jr.
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.

Cole, Kenneth A.
Delano, Robert F.
Hunt, John B.
Metzger, Katherine H.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Spear, Susan

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.

Bennett, Shirley M.
Densmore, Edward D.
LaMott, Paul I.

Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.
White, Paul R.

Rose, William B.
Teschner, Douglass P.
Weymouth, Philip H.

Scanlan, David M.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Alukonis, David J.
Barry, Vivian
Desrochers, Gerard T.
Dodge, Emma M.
Dube, Ellen C.
Fields, Dennis H.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
Lown, Elizabeth
McDowell, James E.
Messier, Irene M.
Murphy, Robert E.
Prestipino, Bartolo V.
Sallada, Roland A.
Stiles, Walter A.
Tyree, Paul M.
Young, Willard N.

Amidon, Eleanor H.
Bowers, Dorothy C.
Desrosiers, William J.
Donovan, Francis X.
Dyer, Merton S.
Flood, Jacqueline J.
Green, Scott E.
Haettenschwiller, A. A.
Holden, Carol H.
Kelley, Robert N.
Lachut, Ervin R.
Leclerc, Charles J.
Mason, Howard F.
McNerney, Daniel P.
Moore, Elizabeth A.
Pappas, Toni
Robinson, Ellen-Ann
Schneiderat, Catherine
Tarpley, Nancy L.
Upton, Barbara Allen

Andrews, Frederick B.
Cowenhoven, Garret P.
Dionne, Paul R.
Drolet, Paul L.
Emerton, Lawrence
Ford, Nancy M.
Grip, Robert H.
Harlan, Susan N.
Jean, Romeo W.
Klose, John F.
Lawrence, Eva M.
Lefebvre, Roland J.
McCann, Bonnie Lou
McRae, Karen
Morrisette, Roland
Perham, Lester R.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Toomey, Daniel
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Jacobson, Alf E.
Lockwood, Robert A.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert
Whittemore, James A.

Boucher, Laurent J.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Smith, Gerald R.
Trombly, Rick A.

Fair, Patricia A.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Provencal, Leo A.
Stio, Peter M.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Cooke, Annette M.
Felch, Charles H., Sr.
Forsythe, Douglas G.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
McCarthy, John James, Jr.
Parr, Ednapearl F.

Boucher, William Paul
Chase, Lawrence A., Jr.
Cote, Patricia L.
Flanders, Harry E.
Gage, Beverly A.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McKinney, Betsy
Raynowska, Bernard J.

Brown, Lewis W.
Conroy, Janet M.
Dube, LeRoy S.
Flanders, John W., Sr.
Gage, Thomas U.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Magoon, Harold F.
Micklon, Stephanie K.
Ritzo, Eugene

Senter, Marilyn P.
Skinner, Patricia M.
Warburton, Calvin

Seward, Russell G.
Sochalski, Matthew M.
Welch, David A.

Sherburne, John L.
Sytek, Donna
Weyler, Kenneth L.

STRAFFORD

Bernard, Mary E.
Foss, Patricia H.
Lachance, Douglas
Parks, Joe B.
Torr, Ann M.

Flynn, Anita A.
Frechette, Roland A.
Marston, Robert E.
Pelley, Janet R.
Torr, Ralph W.

Flynn, Edward J.
Kinney, Paula J.
Martling, W. Kent
Stewart, Glenn W.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Peyron, Fredrik

Burling, Peter Hoe
Krueger, Richard H.
Rodeschin, Beverly T.

Domini, Irene C.
Middleton, John A.
Schotanus, Merle W.

NAYS 87

BELKNAP

Bolduc, Dennis R.
Salatiello, Thomas

Golden, Paul A.

Maviglio, Steven R.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
Matson, William R.

Blacketor, Paul G.
Perry, David M.

Foster, Katherine Davis
Young, David A.

COOS

Mayhew, Josephine

Oleson, Otto H.

Theriault, Romeo J.

GRAFTON

Arnesen, Deborah L.
Dow, David

Chambers, Mary P.
Markley, J. Keith

Copenhaver, Marion L.
Ward, Kathleen W.

HILLSBOROUGH

Baldizar, Barbara J.
Domaingue, Jacquelyn
Frank, Nancy G.
Hanselman, Gregory L.
Jasper, Shawn N.
King, John A.
Lozeau, Donnalee
Ouellette, Robert O.
Pignatelli, Debora B.
Spaloss, Henry F.
Wright, George W.

Burkush, Peter
Dwyer, Patricia R.
Gerow, Sezen M.
Hultgren, David D.
Jenkins, Mary
Kress, Gloria W.
Nardi, Theodora P.
Packard, Bonnie B.
Riley, Frances L.
Turgeon, Roland M.

Daigle, Robert Arthur
Elliott, Larry G.
Hall, Betty B.
Hunter, Bruce F.
Johnson, Lionel W.
Kurk, Neal M.
O'Rourke, JoAnne A.
Pepino, Leo P.
Soucy, Lillian E.
Wheeler, David K.

MERRIMACK

Barberia, Richard A.
Bennett, J. Allen
Fillion, Paul R.
Wallner, Mary Jane

Bardsley, Elizabeth S.
Daneault, Gabriel
Johnson, C. William

Beaton, Nancy
Dunn, Miriam
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Fesh, Robert M.
Malcolm, Kenneth W.
Vaughn, Charles L.

Bell, Juanita
Ford, Bert H.
McCain, William F.
Wright, David B.

Buco, Stephen
Hollingworth, Beverly A.
McGovern, Cynthia A.

STRAFFORD

Appleby, James E.
Gilmore, Gary
Merrill, Amanda
Scharff, Thomas Edward
Wheeler, Katherine Wells

Burton, Wayne M.
Keans, Sandra Balomenos
Musler, George T.
Sullivan, Henry P.

Dionne, Albert J.
McCann, William H., Jr.
O'Brien, John
Vincent, Francis C.

SULLIVAN

MacAskill, Kenneth M. Stamatakis, Carol M.,
and the House concurred with the Senate amendment.

Rep. Leonard Smith abstained from voting under Rule 16.

HB 1501-FN-A, relative to state revenues and expenditures. (Amendment printed SJ, 2/15/90)

Rep. Kidder moved that the House concur and spoke to his motion.

Rep. Betty Hall spoke against the motion.

Rep. Hager spoke in favor of the motion and yielded to questions.

Rep. Sytek yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 199**NAYS 110****YEAS 199****BELKNAP**

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas, Jr.
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Brown, Channing T.
Hill, Richard L.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Christy, C. Dana
LaMott, Paul I.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Driscoll, William J.
Larson, Nils H., Jr.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Amidon, Eleanor H.
Bowers, Dorothy C.
Dodge, Emma M.
Dyer, Merton S.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Holden, Carol H.
Klose, John F.
Lachut, Ervin R.
McCann, Bonnie Lou
Moore, Elizabeth A.
Perham, Lester R.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Andrews, Frederick B.
Cowenhoven, Garret P.
Donovan, Francis X.
Emerton, Lawrence
Goulet, Maurice E.
Harlan, Susan N.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Eva M.
McNerney, Daniel P.
Murphy, Robert E.
Prestipino, Bartolo V.
Schneiderat, Catherine
Steiner, Lee Anne
Tyree, Paul M.
Young, Willard N.

Barry, Vivian
Desrosiers, William J.
Drolet, Paul L.
Fields, Dennis H.
Grip, Robert H.
Healy, Daniel J.
Kelley, Robert N.
Kress, Gloria W.
Lown, Elizabeth
Messier, Irene M.
Pappas, Toni
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara Allen

MERRIMACK

Apple, Lowell D.
Carter, Susan D.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
Whittemore, James A.

Bardsley, Elizabeth S.
Fillion, Paul R.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
Teague, Bert

Boucher, Laurent J.
Fraser, Leo W., Jr.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Conroy, Janet M.
Dube, LeRoy S.
Flanders, Harry E.
Gage, Thomas U.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Magoon, Harold F.
McKinney, Betsy
Raynowska, Bernard J.

Boucher, William Paul
Cooke, Annette M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
McCain, William F.
Micklon, Stephanie K.
Ritzo, Eugene

Campbell, Marilyn R.
Cote, Patricia L.
Fesh, Robert M.
Forsythe, Douglas G.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McCarthy, John James, Jr.
Parr, Ednapearl F.
Senter, Merilyn P.

Seward, Russell G.
 Sochalski, Matthew M.
 Weyler, Kenneth L.

Sherburne, John L.
 Sytek, Donna

Skinner, Patricia M.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Flynn, Edward J.
 Kinney, Paula J.
 Musler, George T.
 Torr, Ann M.

Bernard, Mary E.
 Foss, Patricia H.
 Marston, Robert E.
 Parks, Joe B.
 Torr, Ralph W.

Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 Stewart, Glenn W.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Peyron, Fredrik

Domini, Irene C.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

NAYS 110 BELKNAP

Bolduc, Dennis R.
 Salatiello, Thomas

Golden, Paul A.

Maviglio, Steven R.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
 Foster, Katherine Davis
 Young, David A.

Blacketor, Paul G.
 Matson, William R.

Cole, Kenneth A.
 Spear, Susan

COOS

Lemire, George

Mayhew, Josephine

Theriault, Romeo J.

GRAFTON

Arnesen, Deborah L.
 Densmore, Edward D.
 Stewart, Roger

Chambers, Mary P.
 Dow, David

Copenhaver, Marion L.
 Markley, J. Keith

HILLSBOROUGH

Alukonis, David J.
 Cote, David E.
 Dionne, Paul R.
 Dwyer, Patricia R.
 Frank, Nancy G.
 Haettenschwiller, A. A.
 Hultgren, David D.
 Jean, Romeo W.
 King, John A.
 Leclerc, Charles J.
 McDowell, James E.
 Nardi, Theodora P.
 Packard, Bonnie B.
 Riley, Frances L.
 Spaloss, Henry F.
 Wheeler, David K.

Baldizar, Barbara J.
 Daigle, Robert Arthur
 Domaingue, Jacquelyn
 Elliott, Larry G.
 Gerow, Sezen M.
 Hall, Betty B.
 Hunter, Bruce F.
 Jenkins, Mary
 Kurk, Neal M.
 Lefebvre, Roland J.
 McRae, Karen
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Rodgers, G. Philip
 Toomey, Daniel
 Wright, George W.

Burkush, Peter
 Desrochers, Gerard T.
 Dube, Ellen C.
 Flood, Jacqueline J.
 Green, Scott E.
 Hanselman, Gregory L.
 Jasper, Shawn N.
 Johnson, Lionel W.
 Lawrence, Norman B.
 Lozeau, Donnalee
 Morrisette, Roland
 Ouellette, Robert O.
 Pignatelli, Debora B.
 Soucy, Lillian E.
 Turgeon, Roland M.

MERRIMACK

Barberia, Richard A.
Daneault, Gabriel
Jacobson, Alf E.
Trombly, Rick A.

Beaton, Nancy
Dunn, Miriam
Provencal, Leo A.
Wallner, Mary Jane

Bennett, J. Allen
Fair, Patricia A.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Buco, Stephen
Gage, Beverly A.
Malcolm, Kenneth W.
Welch, David A.

Bell, Juanita
Chase, Lawrence A., Jr.
Hoar, John, Jr.
McGovern, Cynthia A.
Wright, David B.

Brown, Lewis W.
Ford, Bert H.
Hollingworth, Beverly A.
Vaughn, Charles L.

STRAFFORD

Burton, Wayne M.
Keans, Sandra Balomenos
Merrill, Amanda
Scharff, Thomas Edward
Wheeler, Katherine Wells

Dionne, Albert J.
Lachance, Douglas
O'Brien, John
Sullivan, Henry P.

Gilmore, Gary
McCann, William H., Jr.
Pelley, Janet R.
Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe
and the House concurred with the Senate amendment.

Harland, Jane A.

Stamatakis, Carol M.,

REGULAR CALENDAR continued

HB 1217-FN, relative to fair credit billing. REFER FOR INTERIM STUDY.

This bill was requested by the Banking Department and is necessary to protect consumers. Due to a lack of time, the Committee wanted to keep the bill to work on it over the summer. Vote 13-5. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 1351, relative to employment termination. OUGHT TO PASS WITH AMENDMENT.

Being fired is an emotional experience in itself, and not to know why you were fired only adds to the trauma. The majority of the Committee felt everyone should be given a reason for the termination in writing, if the employee asks for it. Vote 8-6. Rep. J. Allen Bennett for Labor, Industrial and Rehabilitative Services.

Amendment

Amend RSA 275:49, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Furnish any terminated employee only with a written statement of the reasons for the termination of his employment, within 10 days of receipt of a written request for such reasons, provided that such request is received within 15 days of such employee's termination.

AMENDED ANALYSIS

This bill requires employers to furnish any terminated employee with a written statement of the reasons for his termination within 10 days of receiving a written request for such reasons, provided that the request is received within 15 days of the employee's termination.

Rep. Hawkins yielded to questions.

Amendment adopted.

Ordered to third reading.

(Deputy Speaker Burns in the Chair)

HB 1352, relative to employee lunch breaks. INEXPEDIENT TO LEGISLATE.

The Committee felt that the bill would prohibit employees and employers from having the necessary flexibility essential to conducting daily business. Current law allows for a half-hour eating period and further allows for a waiver system that addresses the flexibility needs for daily business. Vote 10-6. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Resolution adopted.

HB 1050-FN, relative to "junk fax." MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

MAJORITY: House Bill 1050 would prohibit facsimile transmission for the purpose of solicitation, with the intent to annoy, or if the recipient indicates, he does not wish to receive a transmission from the sender. The hearing produced no input from the general public and the AT&T representative indicated that in 1988, the Federal Communications Commission had received only 20 complaints concerning FAX. This appears to be a non-issue with the public. Vote 6-4. Rep. Charles C. Vogler for the Majority of Science, Technology and Energy.

MINORITY: This bill prohibits "junk fax," in other words, fax transmissions for the purpose of commercial solicitation, with the intent to harass, or which the recipient has previously indicated are unwanted. A survey of small businesses in New Hampshire done by the National Federation of Independent Business indicated 83 percent in support of such legislation. Because the recipient has to pay for the expensive thermal coated paper on which the incoming document is printed, it is similar to paying the mailman for each piece of junk mail delivered to your home. Also, the recipient's fax machine cannot be used while there is an incoming "junk fax." This has created problems for hospitals and government agencies. Rep. Susan S. Spear for the Minority of Science, Technology and Energy.

Rep. Avery moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority, Inexpedient to Legislate. spoke to his motion and yielded to questions.

Rep. Susan Harlan spoke against the motion and yielded to questions.

On a division vote, 160 members having voted in the affirmative and 111 in the negative, the substitute motion was adopted.

Amendment

Amend RSA 359-F:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Any person who has received an electronic or telephonic transmission in violation of this chapter may bring an action in his own name to recover his actual damages or \$200, whichever is greater, plus attorneys' fees. Each prohibited solicitation is a separate violation.

Amendment adopted.

Ordered to third reading.

HB 1383-FN, relative to drug and alcohol education, prevention, and student assistance counseling and referral programs. (A) OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, creates a drug offense penalty assessment fund. The fund will provide for increased rehabilitation services for adults and minors with alcohol or drug abuse related problems. The fund will also be used to increase and expand Alcohol and Drug Abuse Prevention Programs in public elementary and secondary schools. There are no general fund expenditures. Vote 17-0. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

1 New Subparagraph; Special Fund Established; Drug and Alcohol Education, Prevention, and Student Assistance Counseling and Referral Programs. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) Money received under RSA 318-B:27-a, which shall be credited to the drug offense penalty assessment fund administered by the house appropriations committee and the senate finance committee.

2 New Section; Alcohol and Drug Education Prevention and Student Assistance Counseling and Referral Programs. Amend RSA 172-B by inserting after section 5 the following new section:

172-B:6 Drug and Alcohol Education, Prevention and Student Assistance Counseling and Referral Programs.

I. The director shall be jointly responsible with the commissioner of education for developing an annual plan for drug and alcohol education, prevention, and student assistance counseling and referral programs as specified in RSA 186:11, IX and paragraph II of this section and pursuant to rules adopted in accordance with RSA 541-A. The director shall be responsible for developing drug and alcohol education and rehabilitation programs for adults under paragraph III of this section. These programs shall be financed from the drug offense penalty assessment fund, upon approval of the annual plan by the house appropriation committee and the senate finance committee, pursuant to RSA 318-B:27-a.

II. The director shall develop jointly with the commissioner of education criteria for drug and alcohol education, prevention and student assistance counseling and referral programs which may be offered through the public schools or through other organizations approved by the director. These programs shall be available to any school-aged person legally enrolled in any elementary or secondary school in New Hampshire, subject to the availability of money in the drug and alcohol education, prevention and student assistance counseling and referral fund and shall be primarily for minors. When a minor has been referred to a rehabilitation program, the parents, or legal guardian shall become actively involved in the minor's rehabilitation program and to pay up to 25 percent of the total cost of the program. The required payments may be adjusted on the basis of a sliding fee scale in cases of financial hardship. Day and evening schedules shall be made available for the convenience of parents or legal guardians who are required to participate in the minor's rehabilitation program.

3 Duties of State Board of Education; Drug Education Program. Amend RSA 186:11, IX to read as follows:

IX. Instruction as to [Intoxicants] *Drugs, Alcohol* and Venereal Diseases. Investigate the condition and efficiency of public education with special reference to the instruction given in physiology and hygiene in relation to the effect of alcohol and other drugs and venereal diseases on the human system, prescribe such a course in respect to these subjects as will stimulate and guide public sentiment and give a detailed account of its doings in relation thereto in its biennial report. *The commis-*

sioner shall submit an annual plan to the house appropriations committee and the senate finance committee pursuant to RSA 318-B:27-a, on behalf of the state board of education, for a comprehensive drug education program for students enrolled in elementary and secondary schools developed in conjunction with the office of alcohol and drug abuse prevention and the department of justice. The program shall utilize updated pertinent materials and innovative approaches as are necessary for exposure and reinforcement of the dangers of drug and alcohol abuse throughout a student's attendance in the New Hampshire public school system. After each plan has been approved and the funding granted under RSA 318-B:27-a for such program, the board shall assist the schools in developing the program.

4 New Section; Penalty Assessment on Drug Offenses. Amend RSA 318-B by inserting after section 27 the following new section:

318-B:27-a Drug Offense Penalty Assessment.

I. In addition to any other fine or penalty assessment prescribed under the law, there shall be a penalty assessment of \$500 on any person convicted of a first offense under this chapter. This penalty assessment shall increase in increments of \$500 for each subsequent offense under this chapter. The courts shall forward money collected under this section to the state treasurer for deposit in the drug offense penalty assessment fund.

II. The department of education and the office of alcohol and drug abuse prevention shall submit plans, as required under RSA 172-B:6 and RSA 186:11, IX, for programs to be funded from the drug offense penalty assessment fund to the house appropriations committee and the senate finance committee on or before February 15 of each year. If such plans are approved, funding for them shall become available from the drug offense penalty assessment fund beginning in the following fiscal year.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the department of education and the office of alcohol and drug abuse prevention to develop annual plans for drug and alcohol education, prevention and student assistance counseling and referral programs in the schools. These programs will be funded from a penalty assessment on persons convicted of drug offenses, if the plans are approved annually by the house appropriations committee and the senate finance committee.

Rep. Sytek spoke against the amendment and yielded to questions.

Rep. Robinson spoke in favor of the amendment and yielded to questions.

On a division vote, 183 members having voted in the affirmative and 93 in the negative, the amendment was adopted.

On a division vote, 188 members having voted in the affirmative and 102 in the negative, the bill was ordered to third reading.

SENATE MESSAGE CONCURRENCE

HB 1504-FN-A, increasing the tobacco tax.

REGULAR CALENDAR continued

HB 1421, relative to admissibility of evidence in juvenile certification proceedings. INEXPEDIENT TO LEGISLATE.

This bill was requested by the Attorney General's Office as a matter of great urgency. The Attorney General did not see fit to appear and support the bill, and further, provided no contradictions to the very serious testimony in opposition to the bill.

The Committee felt that the lack of interest by the Attorney General refuted the original claim of urgency. Vote 16-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Rep. McCain moved that the words, Refer for Interim Study, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Substitute motion adopted.

HB 1231-FN, granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire Purple Heart license plates. OUGHT TO PASS WITH AMENDMENT.

This bill requires that an annual report on the 10-year Highway Plan be submitted to the General Court with recommendations from the Department of Transportation and the Governor's Advisory Commission on Highways. It further requires that transfers of funds within the 10-year plan be approved by the Fiscal Committee and the Governor and Council. This will place necessary legislative input into any changes in this law which is the master plan for highway construction for ten years. Vote 13-1. Rep. James D. Phelps for Public Works.

Rep. Phelps offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the 10-year state highway plan and the governor's
advisory commission on highways.

Amend the bill by replacing all after the enacting clause with the following:

1 Highway Plan; Legislative Intent. 1986, 203:1 is repealed and reenacted to read as follows:

203:1 Legislative Intent. The 10-year highway plan is predicated on the report submitted to the governor by the governor's advisory commission on highways and is intended to serve as the plan for highway development for a 10-year period. The governor's advisory commission on highways shall review the plan at least once during each biennium and make such recommendations to the general court for revisions as are approved by the governor and council. The plan shall be revised and updated by the general court after review of such recommendations.

2 New Section; Transfer of Funds; Approval Needed. Amend 1986, 203 by inserting after section 1 the following new section:

203:1-a Transfer of Funds. No funds in excess of \$4,000,000 shall be transferred within the 10-year plan or to any other highway construction projects which are listed or not listed in the 10-year highway plan as amended, unless approved by the fiscal committee of the general court and by the governor and council.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the session laws relative to the 10-year highway plan by changing the status of the plan from guideline for highway development to actual plan for highway development. The bill also allows the general court to revise the plan as required based on recommendations by the governor's advisory commission on highways which are approved by the governor and council.

The bill also prohibits the transfer of any funds in excess of \$4,000,000 within the 10-year highway plan or to any construction project included or not included in the plan unless approved by the legislative fiscal committee and the governor and council.

Rep. Phelps spoke to his amendment and yielded to questions.

Rep. Leonard Smith spoke against the amendment.

(Speaker in the Chair)

Rep. Marsh spoke in favor of the amendment and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 165

NAYS 141

**YEAS 165
BELKNAP**

Campbell, Richard H., Jr.
Rice, Thomas, Jr.
Ziegra, Alice S.

Holbrook, Robert G.
Turner, Robert H.

Pearson, Ralph W.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.

CHESHIRE

Blacketor, Paul G.
Delano, Robert F.
Hunt, John B.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Pearson, Gertrude B.
Spear, Susan

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.
Young, David A.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Burns, Harold W.
Lemire, George
Merrill, Gerald
Theriault, Romeo J.

GRAFTON

Brown, Channing T.
Hill, Richard L.
Scanlan, David M.
Ward, Kathleen W.

Christy, C. Dana
LaMott, Paul I.
Townsend, Howard C.
Weymouth, Philip H.

Driscoll, William J.
Rose, William B.
Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.
Bowers, Dorothy C.
Daigle, Robert Arthur
Domaingue, Jacquelyn
Goulet, Maurice E.
Harlan, Susan N.
Johnson, Lionel W.
Knight, Alice Tirrell
Mason, Howard F.
Murphy, Robert E.
Perham, Lester R.

Amidon, Eleanor H.
Burkush, Peter
Desrosiers, William J.
Donovan, Francis X.
Green, Scott E.
Jean, Romeo W.
Keefe, Edmund M.
Lachut, Ervin R.
McNerney, Daniel P.
O'Rourke, JoAnne A.
Robinson, Ellen-Ann

Andrews, Frederick B.
Cowenhoven, Garret P.
Dionne, Paul R.
Dyer, Merton S.
Grip, Robert H.
Jenkins, Mary
Klose, John F.
Lefebvre, Roland J.
Messier, Irene M.
Pappas, Toni
Rodgers, G. Philip

Schneiderat, Catherine
Tarpley, Nancy L.
Wheeler, David K.

Searles, Stanley N., Sr.
Upton, Barbara Allen
Young, Willard N.

Stiles, Walter A.
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert

Bardsley, Elizabeth S.
Gross, Caroline L.
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Smith, Gerald R.
West, George M.

Carter, Susan D.
Hager, Elizabeth
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Stio, Peter M.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Flanders, John W., Sr.
Gage, Beverly A.
Hoar, John, Jr.
Katsakiores, Phyllis
Malcolm, Kenneth W.
Parr, Ednapearl F.
Skinner, Patricia M.
Wright, David B.

Boucher, William Paul
Conroy, Janet M.
Ford, Bert H.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
King, Roger C.
McKinney, Betsy
Senter, Marilyn P.
Sytek, Donna

Brown, Lewis W.
Fesh, Robert M.
Forsythe, Douglas G.
Haynes, Richard L.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Micklon, Stephanie K.
Seward, Russell G.
Weyler, Kenneth L.

STRAFFORD

Bernard, Mary E.
Flynn, Edward J.
Kinney, Paula J.
Parks, Joe B.
Torr, Ann M.

Burton, Wayne M.
Foss, Patricia H.
Marston, Robert E.
Scharff, Thomas Edward
Young, John B.

Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Sullivan, Henry P.

SULLIVAN

Behrens, Thomas A.
Middleton, John A.
Schotanus, Merle W.

Hinrichsen, Keith
Peyron, Fredrik
Stamatakis, Carol M.

Krueger, Richard H.
Rodeschin, Beverly T.

NAYS 141 BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Rosen, Ralph J.

Golden, Paul A.
Maviglio, Steven R.
Salatiello, Thomas

Hardy, Earle D.
Randall, Kenneth A.

CARROLL

MacDonald, Kenneth J.

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Matson, William R.

Foster, Katherine Davis

Laurent, John J.

COOS

Guay, Lawrence J.

Horton, Lynn C.

Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Densmore, Edward D.
 Markley, J. Keith
 Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
 Chambers, Mary P.
 Dow, David
 Stewart, Roger
 White, Paul R.

Bean, Pamela B.
 Copenhaver, Marion L.
 Larson, Nils H., Jr.
 Teschner, Douglass P.

HILLSBOROUGH

Baldizar, Barbara J.
 Desrochers, Gerard T.
 Dube, Ellen C.
 Emerton, Lawrence
 Ford, Nancy M.
 Gureckis, Adam C., Sr.
 Hanselman, Gregory L.
 Hultgren, David D.
 Kelley, Robert N.
 Kurk, Neal M.
 Leclerc, Charles J.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Ouellette, Robert O.
 Pignatelli, Debora B.
 Sallada, Roland A.
 Spaloss, Henry F.
 Tyree, Paul M.

Barry, Vivian
 Dodge, Emma M.
 Dwyer, Patricia R.
 Fields, Dennis H.
 Frank, Nancy G.
 Haettenschwiller, A. A.
 Healy, Daniel J.
 Hunter, Bruce F.
 King, John A.
 Lawrence, Eva M.
 Lown, Elizabeth
 McDowell, James E.
 Morrisette, Roland
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Smith, Leonard A.
 Steiner, Lee Anne
 Wright, George W.

Cote, David E.
 Drolet, Paul L.
 Elliott, Larry G.
 Flood, Jacqueline J.
 Gerow, Sezen M.
 Hall, Betty B.
 Holden, Carol H.
 Jasper, Shawn N.
 Kress, Gloria W.
 Lawrence, Norman B.
 Lozeau, Donnalee
 McRae, Karen
 Nardi, Theodora P.
 Pepino, Leo P.
 Riley, Frances L.
 Soucy, Lillian E.
 Turgeon, Roland M.

MERRIMACK

Barberia, Richard A.
 Boucher, Laurent J.
 Fair, Patricia A.
 Johnson, C. William
 Soldati, Jennifer

Beaton, Nancy
 Daneault, Gabriel
 Fillion, Paul R.
 Provencal, Leo A.
 Trombly, Rick A.

Bennett, J. Allen
 Dunn, Miriam
 Jacobson, Alf E.
 Shaw, Randall F.
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 McCain, William F.
 Raynowska, Bernard J.
 Sochalski, Matthew M.
 Welch, David A.

Bell, Juanita
 Cooke, Annette M.
 Flanders, Harry E.
 Johnson, Robert A.
 MacDonald, Maurice B.
 McCarthy, John James, Jr.
 Ritto, Eugene
 Vaughn, Charles L.

Buco, Stephen
 Cote, Patricia L.
 Gage, Thomas U.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Sherburne, John L.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Keans, Sandra Balomenos
 Merrill, Amanda
 Pelley, Janet R.
 Vincent, Francis C.

Dionne, Albert J.
 Lachance, Douglas
 Musler, George T.
 Stewart, Glenn W.
 Wheeler, Katherine Wells

Gilmore, Gary
 McCann, William H., Jr.
 O'Brien, John
 Torr, Ralph W.

SULLIVAN

Burling, Peter Hoe
and the amendment was adopted.

Domini, Irene C.

MacAskill, Kenneth M.

Rep. Lawrence Chase moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. Gross spoke against the motion.

Rep. Salatiello spoke in favor of the motion.

Rep. William Boucher nonspoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 154**NAYS 154****YEAS 154****BELKNAP**

Bolduc, Dennis R.
Hawkins, Robert S.
Salatiello, Thomas

Golden, Paul A.
Maviglio, Steven R.

Hardy, Earle D.
Rosen, Ralph J.

CARROLL

MacDonald, Kenneth J.

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine Davis
Matson, William R.

Cole, Kenneth A.
Gordon, Irvin H.
Perry, David M.

Delano, Robert F.
Laurent, John J.
Young, David A.

COOS

Guay, Lawrence J.

Horton, Lynn C.

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Chambers, Mary P.
Dow, David
Stewart, Roger

Bean, Pamela B.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Teschner, Douglass P.

Bennett, Shirley M.
Densmore, Edward D.
Markley, J. Keith
White, Paul R.

HILLSBOROUGH

Baldizar, Barbara J.
Desrochers, Gerard T.
Dube, Ellen C.
Emerton, Lawrence
Ford, Nancy M.
Goulet, Maurice E.
Hall, Betty B.
Holden, Carol H.
Jean, Romeo W.
Kurk, Neal M.
Leclerc, Charles J.
McDowell, James E.
Morrissette, Roland
O'Rourke, JoAnne A.
Pepino, Leo P.
Riley, Frances L.

Barry, Vivian
Dodge, Emma M.
Dwyer, Patricia R.
Fields, Dennis H.
Frank, Nancy G.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Hultgren, David D.
King, John A.
Lawrence, Eva M.
Lozeau, Donnalee
McRae, Karen
Murphy, Robert E.
Ouellette, Robert O.
Pignatelli, Debora B.
Sallada, Roland A.

Cote, David E.
Drolet, Paul L.
Elliott, Larry G.
Flood, Jacqueline J.
Gerow, Sezen M.
Haettenschwiller, A. A.
Healy, Daniel J.
Hunter, Bruce F.
Kress, Gloria W.
Lawrence, Norman B.
McCann, Bonnie Lou
Moore, Elizabeth A.
Nardi, Theodora P.
Packard, Bonnie B.
Prestipino, Bartolo V.
Smith, Leonard A.

Soucy, Lillian E.
Turgeon, Roland M.
Wright, George W.

Spaloss, Henry F.
Tyree, Paul M.

Steiner, Lee Anne
Vanderlosk, Stanley R.

MERRIMACK

Barberia, Richard A.
Boucher, Laurent J.
Fair, Patricia A.
Johnson, C. William
Trombly, Rick A.

Beaton, Nancy
Daneault, Gabriel
Fillion, Paul R.
Shaw, Randall F.
Wallner, Mary Jane

Bennett, J. Allen
Dunn, Miriam
Jacobson, Alf E.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Hollingworth, Beverly A.
Lovejoy, Virginia K.
McCain, William F.
Raynowska, Bernard J.
Sherburne, John L.
Warburton, Calvin
Wright, David B.

Bell, Juanita
Cooke, Annette M.
Flanders, Harry E.
Johnson, Robert A.
MacDonald, Maurice B.
McCarthy, John James, Jr.
Ritzo, Eugene
Sochalski, Matthew M.
Welch, David A.

Buco, Stephen
Cote, Patricia L.
Gage, Thomas U.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McGovern, Cynthia A.
Senter, Marilyn P.
Vaughn, Charles L.
Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Gilmore, Gary
Lachance, Douglas
Musler, George T.
Stewart, Glenn W.
Vincent, Francis C.

Burton, Wayne M.
Keans, Sandra Balomenos
McCann, William H., Jr.
O'Brien, John
Sullivan, Henry P.
Wheeler, Katherine Wells

Dionne, Albert J.
Kinney, Paula J.
Merrill, Amanda
Pelley, Janet R.
Torr, Ralph W.
Young, John B.

SULLIVAN

Burling, Peter Hoe
MacAskill, Kenneth M.

Domini, Irene C.
Middleton, John A.

Harland, Jane A.
Stamatakis, Carol M.

NAYS 154

BELKNAP

Campbell, Richard H., Jr.
Randall, Kenneth A.
Vogler, Charles C.

Holbrook, Robert G.
Rice, Thomas, Jr.
Ziegra, Alice S.

Pearson, Ralph W.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.

CHESHIRE

Blacketor, Paul G.
Grodin, Richard A.
Metzger, Katherine H.
Sawyer, Alfred P.

Cole, Stacey W.
Hunt, John B.
Morse, Jo-Ann T.
Spear, Susan

Crutchley, Donald O.
LaMar, David M.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Burns, Harold W.
Lemire, George
Merrill, Gerald
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Driscoll, William J.
Rose, William B.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Hill, Richard L.
Scanlan, David M.
Ward, Kathleen W.

Christy, C. Dana
LaMott, Paul I.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Alukonis, David J.
Bowers, Dorothy C.
Daigle, Robert Arthur
Domaingue, Jacquelyn
Green, Scott E.
Jasper, Shawn N.
Keefe, Edmund M.
Knight, Alice Tirrell
Lown, Elizabeth
Messier, Irene M.
Rodgers, G. Philip
Stiles, Walter A.
Wheeler, David K.

Amidon, Eleanor H.
Burkush, Peter
Desrosiers, William J.
Donovan, Francis X.
Grip, Robert H.
Jenkins, Mary
Kelley, Robert N.
Lachut, Ervin R.
Mason, Howard F.
Pappas, Toni
Schneiderat, Catherine
Tarpley, Nancy L.
Young, Willard N.

Andrews, Frederick B.
Cowenhoven, Garret P.
Dionne, Paul R.
Dyer, Merton S.
Harlan, Susan N.
Johnson, Lionel W.
Klose, John F.
Lefebvre, Roland J.
McNerney, Daniel P.
Perham, Lester R.
Searles, Stanley N., Sr.
Upton, Barbara Allen

MERRIMACK

Apple, Lowell D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
Whittemore, James A.

Bardsley, Elizabeth S.
Gross, Caroline L.
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Provencal, Leo A.
Teague, Bert

Carter, Susan D.
Hager, Elizabeth
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Fesh, Robert M.
Forsythe, Douglas G.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Micklon, Stephanie K.
Skinner, Patricia M.

Boucher, William Paul
Conroy, Janet M.
Flanders, John W., Sr.
Gage, Beverly A.
Hoar, John, Jr.
Katsakiores, Phyllis
Malcolm, Kenneth W.
Parr, Ednappearl F.
Sytek, Donna

Brown, Lewis W.
Felch, Charles H., Sr.
Ford, Bert H.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
King, Roger C.
McKinney, Betsy
Seward, Russell G.

STRAFFORD

Bernard, Mary E.
Foss, Patricia H.

Flynn, Anita A.
Frechette, Roland A.

Flynn, Edward J.
Marston, Robert E.

Martling, W. Kent
Torr, Ann M.

Parks, Joe B.

Scharff, Thomas Edward

SULLIVAN

Behrens, Thomas A.

Hinrichsen, Keith

Krueger, Richard H.

Peyron, Fredrik

Rodeschin, Beverly T.

Schotanus, Merle W.

and the substitute motion lost.

The question now being ordering the bill to third reading, a roll call was called for. Sufficiently seconded.

YEAS 155

NAYS 154

YEAS 155

BELKNAP

Campbell, Richard H., Jr.
Pearson, Ralph W.
Turner, Robert H.

Golden, Paul A.
Randall, Kenneth A.
Vogler, Charles C.

Holbrook, Robert G.
Rice, Thomas, Jr.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.

CHESHIRE

Blacketor, Paul G.
Gordon, Irvin H.
LaMar, David M.
Pearson, Gertrude B.

Cole, Stacey W.
Grodin, Richard A.
Metzger, Katherine H.
Sawyer, Alfred P.

Crutchley, Donald O.
Hunt, John B.
Morse, Jo-Ann T.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Burns, Harold W.
Lemire, George
Merrill, Gerald
Therault, Romeo J.

GRAFTON

Adams, Carl S.
Christy, C. Dana
LaMott, Paul I.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Driscoll, William J.
Rose, William B.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Hill, Richard L.
Scanlan, David M.
Ward, Kathleen W.

HILLSBOROUGH

Alukonis, David J.
Bowers, Dorothy C.
Daigle, Robert Arthur
Domaigne, Jacquelyn
Grip, Robert H.
Jenkins, Mary
Klose, John F.
Lefebvre, Roland J.
Messier, Irene M.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Upton, Barbara Allen

Amidon, Eleanor H.
Burkush, Peter
Desrosiers, William J.
Dyer, Merton S.
Harlan, Susan N.
Johnson, Lionel W.
Knight, Alice Tirrell
Mason, Howard F.
Murphy, Robert E.
Rodgers, G. Philip
Stiles, Walter A.
Wheeler, David K.

Andrews, Frederick B.
Cowenhoven, Garret P.
Dionne, Paul R.
Green, Scott E.
Jasper, Shawn N.
Keefe, Edmund M.
Lachut, Ervin R.
McNerney, Daniel P.
Perham, Lester R.
Schneiderat, Catherine
Tarpley, Nancy L.
Young, Willard N.

MERRIMACK

Apple, Lowell D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert

Bardsley, Elizabeth S.
Gross, Caroline L.
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Smith, Gerald R.
West, George M.

Carter, Susan D.
Hager, Elizabeth
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Stio, Peter M.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Fesh, Robert M.
Forsythe, Douglas G.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
McKinney, Betsy
Seward, Russell G.

Boucher, William Paul
Conroy, Janet M.
Flanders, John W., Sr.
Gage, Beverly A.
Hoar, John, Jr.
Katsakiores, Phyllis
MacDonald, Maurice B.
Micklon, Stephanie K.
Skinner, Patricia M.

Brown, Lewis W.
Felch, Charles H., Sr.
Ford, Bert H.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
King, Roger C.
Malcolm, Kenneth W.
Parr, Ednapearl F.
Sytek, Donna

STRAFFORD

Bernard, Mary E.
Foss, Patricia H.
Martling, W. Kent
Sullivan, Henry P.

Flynn, Anita A.
Frechette, Roland A.
Parks, Joe B.
Torr, Ann M.

Flynn, Edward J.
Marston, Robert E.
Scharff, Thomas Edward

SULLIVAN

Behrens, Thomas A.
Peyron, Fredrik

Hinrichsen, Keith
Rodeschin, Beverly T.

Krueger, Richard H.
Schotanus, Merle W.

**NAYS 154
BELKNAP**

Bolduc, Dennis R.
Maviglio, Steven R.

Hardy, Earle D.
Rosen, Ralph J.

Hawkins, Robert S.
Salatiello, Thomas

CARROLL

MacDonald, Kenneth J.

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine Davis
Perry, David M.

Cole, Kenneth A.
Laurent, John J.
Spear, Susan

Delano, Robert F.
Matson, William R.
Young, David A.

COOS

Guay, Lawrence J.

Horton, Lynn C.

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Teschner, Douglass P.

Bennett, Shirley M.
Densmore, Edward D.
Markley, J. Keith
White, Paul R.

Chambers, Mary P.
Dow, David
Stewart, Roger

HILLSBOROUGH

Baldizar, Barbara J.
Desrochers, Gerard T.

Barry, Vivian
Dodge, Emma M.

Cote, David E.
Donovan, Francis X.

Drolet, Paul L.
 Elliott, Larry G.
 Flood, Jacqueline J.
 Gerow, Sezen M.
 Haettenschwiller, A. A.
 Healy, Daniel J.
 Hunter, Bruce F.
 King, John A.
 Lawrence, Eva M.
 Lown, Elizabeth
 McDowell, James E.
 Morrisette, Roland
 Ouellette, Robert O.
 Pepino, Leo P.
 Riley, Frances L.
 Soucy, Lillian E.
 Turgeon, Roland M.
 Wright, George W.

Dube, Ellen C.
 Emerton, Lawrence
 Ford, Nancy M.
 Goulet, Maurice E.
 Hall, Betty B.
 Holden, Carol H.
 Jean, Romeo W.
 Kress, Gloria W.
 Lawrence, Norman B.
 Lozeau, DonnaLee
 McRae, Karen
 Nardi, Theodora P.
 Packard, Bonnie B.
 Pignatelli, Debora B.
 Sallada, Roland A.
 Spaloss, Henry F.
 Tyree, Paul M.

Dwyer, Patricia R.
 Fields, Dennis H.
 Frank, Nancy G.
 Gureckis, Adam C., Sr.
 Hanselman, Gregory L.
 Hultgren, David D.
 Kelley, Robert N.
 Kurk, Neal M.
 Leclerc, Charles J.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 O'Rourke, JoAnne A.
 Pappas, Toni
 Prestipino, Bartolo V.
 Smith, Leonard A.
 Steiner, Lee Anne
 Vanderlosk, Stanley R.

MERRIMACK

Barberia, Richard A.
 Boucher, Laurent J.
 Fair, Patricia A.
 Johnson, C. William
 Soldati, Jennifer

Beaton, Nancy
 Daneault, Gabriel
 Fillion, Paul R.
 Provencal, Leo A.
 Trombly, Rick A.

Bennett, J. Allen
 Dunn, Miriam
 Jacobson, Alf E.
 Shaw, Randall F.
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 McCarthy, John James, Jr.
 Ritzo, Eugene
 Sochalski, Matthew M.
 Welch, David A.

Bell, Juanita
 Cooke, Annette M.
 Flanders, Harry E.
 Johnson, Robert A.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Senter, Marilyn P.
 Vaughn, Charles L.
 Weyler, Kenneth L.

Buco, Stephen
 Cote, Patricia L.
 Gage, Thomas U.
 Klemm, Arthur P., Jr.
 McCain, William F.
 Raynowska, Bernard J.
 Sherburne, John L.
 Warburton, Calvin
 Wright, David B.

STRAFFORD

Appleby, James E.
 Gilmore, Gary
 Lachance, Douglas
 Musler, George T.
 Stewart, Glenn W.
 Wheeler, Katherine Wells

Burton, Wayne M.
 Keans, Sandra Balomenos
 McCann, William H., Jr.
 O'Brien, John
 Torr, Ralph W.
 Young, John B.

Dionne, Albert J.
 Kinney, Paula J.
 Merrill, Amanda
 Pelley, Janet R.
 Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe
 MacAskill, Kenneth M.
 and the bill was ordered to third reading.

Domini, Irene C.
 Middleton, John A.

Harland, Jane A.
 Stamatakis, Carol M.

**SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 1390-FN-A, to impose a communications services tax and making an appropriation therefor. (Amendment printed SJ, 2/15/90)

Rep. Sytek moved that the House concur and spoke to her motion.

A roll call was called for. Sufficiently seconded.

YEAS 201**NAYS 104**

**YEAS 201
BELKNAP**

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas, Jr.
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Cole, Kenneth A.
Delano, Robert F.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton
Oleson, Otto H.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
Christy, C. Dana
LaMott, Paul I.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Driscoll, William J.
Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Amidon, Eleanor H.
Bowers, Dorothy C.
Dionne, Paul R.
Drolet, Paul L.
Fields, Dennis H.
Goulet, Maurice E.
Harlan, Susan N.
Keefe, Edmund M.
Knight, Alice Tirrell

Andrews, Frederick B.
Cowenhoven, Garret P.
Dodge, Emma M.
Dyer, Merton S.
Flood, Jacqueline J.
Grip, Robert H.
Holden, Carol H.
Kelley, Robert N.
Kress, Gloria W.

Barry, Vivian
Desrosiers, William J.
Donovan, Francis X.
Emerton, Lawrence
Ford, Nancy M.
Gureckis, Adam C., Sr.
Jean, Romeo W.
Klose, John F.
Kurk, Neal M.

Lawrence, Eva M.
Lown, Elizabeth
McNerney, Daniel P.
Pappas, Toni
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara Allen

Lawrence, Norman B.
Mason, Howard F.
Messier, Irene M.
Perham, Lester R.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Lefebvre, Roland J.
McCann, Bonnie Lou
Packard, Bonnie B.
Robinson, Ellen-Ann
Schneiderat, Catherine
Steiner, Lee Anne
Tyree, Paul M.
Young, Willard N.

MERRIMACK

Apple, Lowell D.
Carter, Susan D.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Smith, Gerald R.
West, George M.

Bardsley, Elizabeth S.
Fillion, Paul R.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Provencal, Leo A.
Stio, Peter M.
Whittemore, James A.

Boucher, Laurent J.
Fraser, Leo W., Jr.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Cote, Patricia L.
Flanders, Harry E.
Gage, Thomas U.
Hoelzel, Kathleen M.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Parr, Ednappearl F.
Seward, Russell G.
Sochalski, Matthew M.
Weyler, Kenneth L.

Boucher, William Paul
Conroy, Janet M.
Dube, LeRoy S.
Flanders, John W., Sr.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
McCain, William F.
Ritzo, Eugene
Sherburne, John L.
Sytek, Donna

Buco, Stephen
Cooke, Annette M.
Felch, Charles H., Sr.
Forsythe, Douglas G.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Micklon, Stephanie K.
Senter, Marilyn P.
Skinner, Patricia M.
Warburton, Calvin

STRAFFORD

Appleby, James E.
Flynn, Edward J.
Kinney, Paula J.
Musler, George T.
Torr, Ann M.

Bernard, Mary E.
Foss, Patricia H.
Marston, Robert E.
Parks, Joe B.
Torr, Ralph W.

Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Stewart, Glenn W.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Peyron, Fredrik

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

NAYS 104 BELKNAP

Bolduc, Dennis R.
Salatiello, Thomas

Golden, Paul A.

Maviglio, Steven R.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
Matson, William R.

Blacketor, Paul G.
Spear, Susan

Foster, Katherine Davis
Young, David A.

COOS

Kilbride, Dennis J.
Theriault, Romeo J.

Lemire, George
Woodburn, Jeffrey R.

Mayhew, Josephine

GRAFTON

Chambers, Mary P.
Dow, David

Copenhaver, Marion L.
Markley, J. Keith

Densmore, Edward D.

HILLSBOROUGH

Alukonis, David J.
Cote, David E.
Domaingue, Jacquelyn
Elliott, Larry G.
Green, Scott E.
Hanselman, Gregory L.
Hunter, Bruce F.
Johnson, Lionel W.
Leclerc, Charles J.
McRae, Karen
Murphy, Robert E.
Ouellette, Robert O.
Prestipino, Bartolo V.
Spaloss, Henry F.
Wright, George W.

Baldizar, Barbara J.
Daigle, Robert Arthur
Dube, Ellen C.
Frank, Nancy G.
Haettenschwiller, A. A.
Healy, Daniel J.
Jasper, Shawn N.
King, John A.
Lozeau, DonnaLee
Moore, Elizabeth A.
Nardi, Theodora P.
Pepino, Leo P.
Riley, Frances L.
Turgeon, Roland M.

Burkush, Peter
Desrochers, Gerard T.
Dwyer, Patricia R.
Gerow, Sezen M.
Hall, Betty B.
Hultgren, David D.
Jenkins, Mary
Lachut, Ervin R.
McDowell, James E.
Morrissette, Roland
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Soucy, Lillian E.
Wheeler, David K.

MERRIMACK

Barberia, Richard A.
Daneault, Gabriel
Jacobson, Alf E.
Wallner, Mary Jane

Beaton, Nancy
Dunn, Miriam
Soldati, Jennifer

Bennett, J. Allen
Fair, Patricia A.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Fesh, Robert M.
Hollingworth, Beverly A.
McGovern, Cynthia A.
Vaughn, Charles L.

Bell, Juanita
Ford, Bert H.
Lovejoy, Virginia K.
McKinney, Betsy
Wright, David B.

Brown, Lewis W.
Hoar, John, Jr.
McCarthy, John James, Jr.
Raynowska, Bernard J.

STRAFFORD

Burton, Wayne M.
Keans, Sandra Balomenos
Merrill, Amanda
Scharff, Thomas Edward
Wheeler, Katherine Wells

Dionne, Albert J.
Lachance, Douglas
O'Brien, John
Sullivan, Henry P.

Gilmore, Gary
McCann, William H., Jr.
Pelley, Janet R.
Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe Harland, Jane A. Stamatakis, Carol M.,
and the House concurred with the Senate amendment.

Rep. David Welch abstained from voting under Rule 16.

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991. (Amendment printed SJ, 2/15/90)

Rep. Kidder moved that the House concur and spoke to his motion.

Rep. Hager spoke in favor of the motion.

Rep. Townsend explained the Senate amendment.

Reps. Betty Hall, Lachance and Chambers spoke against the motion.

Rep. Gross spoke in favor of the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 203**NAYS 105****YEAS 203****BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas, Jr.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.

Delano, Robert F.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Lemire, George
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Brown, Channing T.
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
Christy, C. Dana
LaMott, Paul I.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Driscoll, William J.
Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Amidon, Eleanor H.
Bowers, Dorothy C.
Dionne, Paul R.

Andrews, Frederick B.
Cowenhoven, Garret P.
Dodge, Emma M.

Barry, Vivian
Desrosiers, William J.
Drolet, Paul L.

Dyer, Merton S.
 Ford, Nancy M.
 Gureckis, Adam C., Sr.
 Holden, Carol H.
 Kelley, Robert N.
 Kress, Gloria W.
 Lown, Elizabeth
 McNerney, Daniel P.
 Murphy, Robert E.
 Perham, Lester R.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

Emerton, Lawrence
 Goulet, Maurice E.
 Harlan, Susan N.
 Jasper, Shawn N.
 Klose, John F.
 Lachut, Ervin R.
 Mason, Howard F.
 Messier, Irene M.
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Sallada, Roland A.
 Smith, Leonard A.
 Tyree, Paul M.
 Young, Willard N.

Fields, Dennis H.
 Grip, Robert H.
 Healy, Daniel J.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lawrence, Eva M.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Pappas, Toni
 Robinson, Ellen-Ann
 Schneiderat, Catherine
 Steiner, Lee Anne
 Upton, Barbara Allen

MERRIMACK

Apple, Lowell D.
 Carter, Susan D.
 Hager, Elizabeth
 Holmes, Mary C.
 Lewis, Mary Ann
 Nichols, Avis B.
 Provencal, Leo A.
 Teague, Bert

Barberia, Richard A.
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Johnson, C. William
 Lockwood, Robert A.
 Pfaff, Terence R.
 Shaw, Randall F.
 West, George M.

Boucher, Laurent J.
 Gross, Caroline L.
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Phelps, James D.
 Stio, Peter M.
 Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
 Bucu, Stephen
 Cooke, Annette M.
 Fesh, Robert M.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 McCarthy, John James, Jr.
 Parr, Ednapearl F.
 Seward, Russell G.
 Sochalski, Matthew M.
 Weyler, Kenneth L.

Boucher, William Paul
 Campbell, Marilyn R.
 Cote, Patricia L.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoar, John, Jr.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 McKinney, Betsy
 Raynowska, Bernard J.
 Sherburne, John L.
 Sytek, Donna

Brown, Lewis W.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Flynn, Edward J.
 Kinney, Paula J.
 Musler, George T.
 Torr, Ann M.

Bernard, Mary E.
 Foss, Patricia H.
 Marston, Robert E.
 Parks, Joe B.
 Torr, Ralph W.

Flynn, Anita A.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Stewart, Glenn W.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Peyron, Fredrik

Domini, Irene C.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

**NAYS 105
BELKNAP**

Maviglio, Steven R.

Salatiello, Thomas

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine Davis
Young, David A.

Blacketor, Paul G.
Matson, William R.

Cole, Kenneth A.
Spear, Susan

COOS

Kilbride, Dennis J.
Woodburn, Jeffrey R.

Mayhew, Josephine

Theriault, Romeo J.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.

Chambers, Mary P.
Dow, David

Copenhaver, Marion L.
Markley, J. Keith

HILLSBOROUGH

Alukonis, David J.
Cote, David E.
Domaingue, Jacquelyn
Dwyer, Patricia R.
Frank, Nancy G.
Haettenschwiller, A. A.
Hultgren, David D.
Jenkins, Mary
Kurk, Neal M.
Lefebvre, Roland J.
McRae, Karen
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Spaloss, Henry F.
Wheeler, David K.

Baldizar, Barbara J.
Daigle, Robert Arthur
Donovan, Francis X.
Elliott, Larry G.
Gerow, Sezen M.
Hall, Betty B.
Hunter, Bruce F.
Johnson, Lionel W.
Lawrence, Norman B.
Lozeau, Donnalee
Morrisette, Roland
Ouellette, Robert O.
Riley, Frances L.
Stiles, Walter A.
Wright, George W.

Burkush, Peter
Desrochers, Gerard T.
Dube, Ellen C.
Flood, Jacqueline J.
Green, Scott E.
Hanselman, Gregory L.
Jean, Romeo W.
King, John A.
Leclerc, Charles J.
McDowell, James E.
Nardi, Theodora P.
Pepino, Leo P.
Soucy, Lillian E.
Turgeon, Roland M.

MERRIMACK

Bardsley, Elizabeth S.
Daneault, Gabriel
Fillion, Paul R.
Soldati, Jennifer

Beaton, Nancy
Dunn, Miriam
Jacobson, Alf E.
Trombly, Rick A.

Bennett, J. Allen
Fair, Patricia A.
Smith, Gerald R.
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Dube, LeRoy S.
Lovejoy, Virginia K.
Ritzo, Eugene
Wright, David B.

Bell, Juanita
Ford, Bert H.
McCain, William F.
Vaughn, Charles L.

Chase, Lawrence A., Jr.
Hollingworth, Beverly A.
McGovern, Cynthia A.
Welch, David A.

STRAFFORD

Burton, Wayne M.
Gilmore, Gary
Merrill, Amanda

Dionne, Albert J.
Lachance, Douglas
O'Brien, John

Frechette, Roland A.
McCann, William H., Jr.
Pelley, Janet R.

Scharff, Thomas Edward
Wheeler, Katherine Wells

Sullivan, Henry P.

Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe

Harland, Jane A.

Stamatakis, Carol M.,

and the House concurred with the Senate amendment.

REMOVED FROM TABLE

Rep. David Young moved that HB 381-FN, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs, be removed from the table.

Rep. Gross made a parliamentary inquiry of the Chair.

On a division vote, 159 members having voted in the affirmative and 148 in the negative, HB 381 was removed from the table.

The pending question being the adoption of the Committee Report, Inexpedient to Legislate, Rep. David Young moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Burton and Ward spoke against the motion and yielded to questions.

Reps. Marilyn Campbell, David Wright and Blacketer spoke in favor of the motion.

Rep. Stamatakis spoke in favor of the motion as follows:

Thank you, Mr. Speaker. I hope my colleagues will indulge me for a few minutes and remain in their seats. I will try to be brief. This is an extremely important subject to our constituents. I decided to speak today because I believe I can offer a somewhat different perspective on this issue.

The question in the backs of our minds is what exactly are these unfunded mandates? In the area of education, are they basic educational requirements essential to a quality education or not?

When I received Rep. Young's letter yesterday, I was motivated to ask that question of my husband. My husband sits on the local schoolboard and it is presently struggling with next year's budget.

What I learned, ladies and gentlemen, shocked me and I think it might shock you as well. My district, the Goshen-Lempster school district is responsible only for a small elementary school that serves approximately 200 students. That's it. We have no high school. The towns of Goshen and Lempster are very small, rural communities not unlike most rural communities throughout this state.

I would like to give you some examples of what I found. I learned that the state of New Hampshire absolutely mandates that we hire and pay a full-time media specialist. The taxpayers, when they asked our board members why we need such a thing, are told absolutely that they have no choice because of these mandates.

There is furthermore an absolute mandate that we hire a guidance counselor. This is an elementary school in a rural community serving only 200 students. Yet we must; we have no choice. We must hire a guidance counselor.

I would like to add that these are both relatively recent requirements and I believe they are good examples of the types of new mandates that are continually being imposed on our communities.

A third example which has been a particular source of irritation to our school board has been the decision apparently to institute new standards for our school buses.

So now, all of a sudden, many school districts are told that their buses are no longer good enough for the state. The members of the school board agree that these programs are of dubious value. However, they are required because some faraway com-

mittee in Concord that knows absolutely nothing about Goshen and Lempster—I believe, at one point, they weren't even able to find our school when they were required to show up for something—have decided that we need these programs.

But I think the most startling fact is that not only are we being required to have programs that we do not need, but these programs may now be actually undermining quality education in our communities.

You see, the taxpayers in my community are in a virtual state of revolt. For the first time, they have come in droves to the school district budget hearings and many people learn something that others already knew, which is that due to the continuous implementations of new mandates, we, in fact, have no local control.

Local control has largely become a myth and the taxpayers have become frustrated. But the taxpayers have discovered something very interesting. They have discovered that there are some things that are not mandated. They discovered that kindergarten, which we established just a few years ago, is not mandated. They learned that the quality of our teachers is not mandated. They've learned that there is no requirement that we hire math teachers who can add and subtract. They've discovered that art and music are not required.

The taxpayers have become desperate. The taxpayers feel powerless and a group of those taxpayers decided to fight back in the only way that they possibly could.

Ladies and gentlemen, there is now a proposal on our warrant to eliminate our kindergarten. Not because it's not wanted. Not because everyone doesn't recognize that it's desperately needed. But, the article is on the warrant with the idea to free up a few more dollars to pay the state-mandated media specialists and other dubious state mandates.

Another subject that has come under attack is teachers' salaries, as some taxpayers have discovered that these, too, are not mandated. Presently, the teachers' salaries in my community are quite low. In fact the time of the schoolboard members has often been taken up by complaints about the quality of our teachers. Nevertheless, there is some sentiment that we level funds or pay them less since this is one area where at least we have some discretion.

What's happening here is very disturbing because those expenditures that go to the very heart of what makes a quality education are now being sacrificed in order to be able to free up more money to pay for more questionable programs that are mandated by the state. Programs that the local people do not want, but which are forcefully shoved down their throats.

Unfortunately, the unfunded state mandates have gone far too far. The result may be to destroy the quality of our school. I think it's critical that we be honest with ourselves. I know and I suspect everyone in this room knows that when the voters voted on that referendum item, they meant what they said. Clearly, they never intended to create a loophole so huge that the entire Department of Education and every state agency could happily hop through.

The problems I have described are not limited to school districts. Every year our selectmen have greater and greater responsibilities imposed upon them with fewer and fewer resources to deal with them. Two towns in my district have hired administrative assistants or other paid managers. However, another town, a third the size of the town of Goshen, now has three vacancies on the Board of Selectmen and not a single candidate. Nobody is willing to place his name on the ballot. People are afraid to serve. They are afraid of the responsibility. They should be. It's a completely

thankless job. Angry taxpayers often yell at the selectmen and ask them why taxes are so high even though it's their state representative that they should actually be yelling at.

I believe as a representative for Goshen, Lempster, Acworth and Washington which are four small towns typical of small towns throughout this state, that these unfunded mandates are killing our small towns.

I urge you to support the motion before you and uphold the will of the people.

Rep. Stamatakis yielded to questions.

Rep Skinner: Rep. Stamatakis, are you aware that there is a process relative to waivers given to school boards? You are from a small town and are you also aware of the new rules established relative to these programs? You said you did discuss this last night with your husband and he must be very much aware of this.

Rep. Stamatakis: Yes, Rep. Skinner, I am aware of it. However, the consensus seems to be not enough. There is a fundamental question as to whether the state or the local communities are in a better position to make those decisions. Furthermore, even though those mandates may be flexible, there is still nothing to stop the state from coming next year with no money and telling our communities that they have to buy a new school bus again.

Rep. Skinner: Rep. Stamatakis, are you also aware that there was an Attorney General's opinion relative to these so-called mandates that you are stating that would go into effect in 1992? Are you aware that there was a ruling that those mandates were in place prior to the Constitutional Convention?

Rep. Stamatakis: Yes, representative, I am. However, as a practicing attorney who has practiced for about five years in the governmental law field, I can tell you that there are two distinct types of legal opinion that an attorney can give. One type is when a governmental entity comes to you and requests an objective opinion on the law. Another is when that entity has already decided what they want to do and they would like you to provide a legal justification.

Rep. Powers spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 225

YEAS 225 BELKNAP

| | |
|---------------------------|---------------------|
| Campbell, Richard H., Jr. | Golden, Paul A. |
| Hawkins, Robert S. | Maviglio, Steven R. |
| Rice, Thomas, Jr. | Rosen, Ralph J. |
| Ziegra, Alice S. | |

NAYS 82

| |
|--------------------|
| Hardy, Earle D. |
| Pearson, Ralph W. |
| Vogler, Charles C. |

CARROLL

| | |
|---------------------------|-----------------------|
| Allard, Nanci A. | Chandler, Gene G. |
| Dickinson, Howard C., Jr. | Dodge, Arthur G., Jr. |
| Wiggin, Allen R. | |

| |
|----------------------|
| Daly, Robert J., Jr. |
| Foster, Robert W. |

CHESHIRE

| | |
|----------------------|-------------------------|
| Blacketor, Paul G. | Cole, Kenneth A. |
| Crutchley, Donald O. | Foster, Katherine Davis |
| LaMar, David M. | Laurent, John J. |

| |
|--------------------|
| Cole, Stacey W. |
| Hunt, John B. |
| Matson, William R. |

Metzger, Katherine H.
Perry, David M.

Morse, Jo-Ann T.
Spear, Susan

Pearson, Gertrude B.
Young, David A.

COOS

Buckley, C. Fitzgerald, III
Lemire, George
Merrill, Gerald
Theriault, Romeo J.

Dumont, Robert E.
Marsh, Beaton
Nelson, Harold D.
Woodburn, Jeffrey R.

Guay, Lawrence J.
Mayhew, Josephine
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Christy, C. Dana
Dow, David
Markley, J. Keith
Teschner, Douglass P.
White, Paul R.

Bennett, Shirley M.
Copenhaver, Marion L.
Hill, Richard L.
Rose, William B.
Townsend, Howard C.

Chambers, Mary P.
Densmore, Edward D.
Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.
Baldizar, Barbara J.
Cote, David E.
Dionne, Paul R.
Drolet, Paul L.
Emerton, Lawrence
Frank, Nancy G.
Hanselman, Gregory L.
Hunter, Bruce F.
Johnson, Lionel W.
Klose, John F.
Lawrence, Eva M.
Lefebvre, Roland J.
McCann, Bonnie Lou
Messier, Irene M.
Nardi, Theodora P.
Packard, Bonnie B.
Perham, Lester R.
Riley, Frances L.
Schneiderat, Catherine
Soucy, Lillian E.
Stiles, Walter A.
Vanderlosk, Stanley R.
Young, Willard N.

Amidon, Eleanor H.
Barry, Vivian
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dwyer, Patricia R.
Fields, Dennis H.
Gerow, Sezen M.
Healy, Daniel J.
Jasper, Shawn N.
Keefe, Edmund M.
Kurk, Neal M.
Lawrence, Norman B.
Lown, Elizabeth
McDowell, James E.
Morrissette, Roland
O'Rourke, JoAnne A.
Pappas, Toni
Pignatelli, Debora B.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Spaloss, Henry F.
Turgeon, Roland M.
Wheeler, David K.

Andrews, Frederick B.
Burkush, Peter
Desrochers, Gerard T.
Donovan, Francis X.
Elliott, Larry G.
Flood, Jacqueline J.
Grip, Robert H.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Lachut, Ervin R.
Leclerc, Charles J.
Lozeau, Donnalee
McRae, Karen
Murphy, Robert E.
Ouellette, Robert O.
Pepino, Leo P.
Prestipino, Bartolo V.
Sallada, Roland A.
Smith, Leonard A.
Steiner, Lee Anne
Tyree, Paul M.
Wright, George W.

MERRIMACK

Apple, Lowell D.
Bennett, J. Allen
Fraser, Leo W., Jr.
Jacobson, Alf E.
Millard, Elizabeth S.
Provencal, Leo A.

Barberia, Richard A.
Daneault, Gabriel
Hall, Douglas E.
Johnson, C. William
Nichols, Avis B.
Shaw, Randall F.

Beaton, Nancy
Fair, Patricia A.
Hill, Michael
Lewis, Mary Ann
Pfaff, Terence R.
Smith, Gerald R.

Soldati, Jennifer
Trombly, Rick A.
Whittemore, James A.

Stio, Peter M.
Wallner, Mary Jane

Teague, Bert
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Lewis W.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Ford, Bert H.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
McCain, William F.
McKinney, Betsy
Ritzo, Eugene
Sytek, Donna
Welch, David A.

Bell, Juanita
Buco, Stephen
Conroy, Janet M.
Fesh, Robert M.
Forsythe, Douglas G.
Hoar, John, Jr.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McCarthy, John James, Jr.
Micklon, Stephanie K.
Senter, Marilyn P.
Vaughn, Charles L.
Weyler, Kenneth L.

Boucher, William Paul
Campbell, Marilyn R.
Cote, Patricia L.
Flanders, Harry E.
Gage, Thomas U.
Hollingworth, Beverly A.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Raynowska, Bernard J.
Sherburne, John L.
Warburton, Calvin
Wright, David B.

STRAFFORD

Bernard, Mary E.
Flynn, Edward J.
Kinney, Paula J.
McCann, William H., Jr.
Pelley, Janet R.
Torr, Ralph W.
Young, John B.

Dionne, Albert J.
Foss, Patricia H.
Lachance, Douglas
Musler, George T.
Scharff, Thomas Edward
Vincent, Francis C.

Flynn, Anita A.
Frechette, Roland A.
Marston, Robert E.
O'Brien, John
Sullivan, Henry P.
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Harland, Jane A.
Middleton, John A.
Stamatakis, Carol M.

Burling, Peter Hoe
Krueger, Richard H.
Peyron, Fredrik

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 82 BELKNAP

Bolduc, Dennis R.
Salatiello, Thomas

Holbrook, Robert G.
Turner, Robert H.

Randall, Kenneth A.

CARROLL

MacDonald, Kenneth J.

Olimpio, J. Lisbeth

Powers, Gerard E., Jr.

CHESHIRE

Barber, Robert E., Jr.
Sawyer, Alfred P.

Delano, Robert F.

Gordon, Irvin H.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.

Burns, Harold W.

Horton, Lynn C.

GRAFTON

Adams, Carl S.
 Driscoll, William J.
 Ward, Kathleen W.

Bean, Pamela B.
 LaMott, Paul I.
 Weymouth, Philip H.

Brown, Channing T.
 Scanlan, David M.
 Whitcomb, Henry F., Jr.

HILLSBOROUGH

Bowers, Dorothy C.
 Dodge, Emma M.
 Ford, Nancy M.
 Gureckis, Adam C., Sr.
 Harlan, Susan N.
 Kelley, Robert N.
 Mason, Howard F.
 Robinson, Ellen-Ann

Cowenhoven, Garret P.
 Dube, Ellen C.
 Goulet, Maurice E.
 Haettenschwiller, A. A.
 Holden, Carol H.
 Knight, Alice Tirrell
 McNeerney, Daniel P.
 Tarpley, Nancy L.

Desrosiers, William J.
 Dyer, Merton S.
 Green, Scott E.
 Hall, Betty B.
 Jenkins, Mary
 Kress, Gloria W.
 Moore, Elizabeth A.
 Upton, Barbara Allen

MERRIMACK

Bardsley, Elizabeth S.
 Dunn, Miriam
 Hager, Elizabeth
 Lockwood, Robert A.

Boucher, Laurent J.
 Fillion, Paul R.
 Holmes, Mary C.
 Phelps, James D.

Carter, Susan D.
 Gross, Caroline L.
 Kidder, William F.

ROCKINGHAM

Benton, Richardson D.
 Flanders, John W., Sr.
 MacDonald, Maurice B.
 Skinner, Patricia M.

Cooke, Annette M.
 Greene, Elizabeth A.
 Parr, Ednapearl F.
 Sochalski, Matthew M.

Felch, Charles H., Sr.
 Hoelzel, Kathleen M.
 Seward, Russell G.

STRAFFORD

Appleby, James E.
 Keans, Sandra Balomenos
 Parks, Joe B.

Burton, Wayne M.
 Martling, W. Kent
 Stewart, Glenn W.

Gilmore, Gary
 Merrill, Amanda
 Torr, Ann M.

SULLIVAN

Hinrichsen, Keith
 and the substitute motion was adopted.

Schotanus, Merle W.,

Rep. Grodin notified the Clerk that he wished to be recorded in favor of the motion.
 Ordered to third reading.

SUSPENSION OF RULES

Rep. David Young moved that the Joint Rules be so far suspended as to permit the House to transmit HB 381 to the Senate after the deadline and further moved to request concurrence in the suspension of Joint Rules.

Adopted by the necessary two-thirds.

Rep. Gross moved that the Senate be notified that the House is ready to meet in Joint Convention for the purpose of attending to remarks by the Governor.

Adopted.

JOINT CONVENTION**(Speaker presiding)**

Governor Judd Gregg addressed the Joint Convention as follows:

Thank you. Mr. Speaker. I know the hour is late, I know it's been a long day and a tough couple of weeks. But, I just wanted to stop by to congratulate you, Mr. Speaker and President Bartlett, the Senate and members of the House, for having accom-

plished something which no other state in New England has been able to accomplish; having accomplished something which, quite honestly, no other state in the Northeast has been able to accomplish.

The states of our region, regrettably, are facing a very tough fiscal time. But, nobody else has been able to get his act together; nobody else has been able to address the issues which are before us, the issues of the deficit in as orderly and prompt a process as you have.

You, Mr. Speaker, and you, Mr. President, and the teams which you have assembled, Chairman Kidder of the Appropriations Committee, Chairman Blaisdell of the Finance Committee, Chairman Sheila Roberge of the Ways and Means Committee, Chairman Sytek of the Ways and Means Committee deserve immense appreciation from the State of New Hampshire and the people of this state for the hard work and the time which you have put in and which your teams have put in. This has been a difficult time, but it was a time that could not be responded to with mirrors and smoke.

It was a time which required tough decisions both on the spending side of the ledger and on the revenue side of the ledger. You made those decisions and I appreciate them and the people of New Hampshire appreciate them. Thank you very much.

Senator Bartlett addressed the Joint Convention as follows:

Governor, Mr. Speaker, when I wrote my remarks this afternoon, it was "Good Afternoon!"

It's been a long couple of weeks. I would like to tell you that I am very proud to be a member of this legislative body. You know, we've initiated the plan today as not a solution but because of these times, no one can tell you that they have the solution.

As the Governor said, we're the first in the Northeast to go forward. This plan has had the cooperation of many in both bodies. In New Hampshire when trouble comes, whether it's at the local level or any other level, the people of New Hampshire get together. I would like to publicly thank all the Independents, if there are any here, and the Democrats and the Republicans.

We do have a plan and that plan will allow our state to now go forward. Our commissioners, our directors, departments and division heads will not have to spend all day long over here protecting their areas. They can now go forward knowing what they have to work with and make their plans.

Many of you remember the budget that we put together that we called a 1990-91 budget. Donn Tibbetts very kindly reminded us a couple of weeks ago of how well we said that budget was.

We left here after we passed that budget and said it dealt with the needs of the people in the State of New Hampshire probably the best that we had ever done in the past. The economists told us that we were going to have 10 to 12 percent growth and we believed them.

Well, we were wrong. But, we've been wrong before. I think that the members of the House Appropriations and Senate Finance Committees have probably had the hardest job that they ever had. Because when you put something together that you think is good and then you have to go back and dilute it \$150 to \$160 million, that's not much fun.

How did we put it together? It's almost historic. We put it together with communication, cooperation and trust. It's quite a change from the time when I first came into

this Senate. For in that day, it was difficult to have the Senate talk to the House. I think we've come a long way. We've got that behind us.

I would like to make special thanks, about the same as the Governor, to Bill Kidder and House Appropriations, Junie Blaisdell and Senate Finance, Donna Sytek and House Ways and Means and Sheila Roberge for the Senate Ways and Means, and all the committees that worked with us and all the staff and everyone at Legislative Services.

But I would really be remiss. I've asked him to stay and he really didn't want to. Any time during this process, at any hour of the night or day, Charlie Connor and his Legislative Office Budget staff were available and I would like us to give a round of applause for Charlie.

The other night I left here about 9:00 p.m. and drove to Kingston. About halfway home, I knew that we had done something that the House wouldn't like, so I called back and Charlie was still here about 10:00 p.m. Obviously, we have corrected that error because we have concurrence today.

Looking from the sidelines, there is always one individual who really stands out in the process and puts it together. I don't think there is any question in this body, in this House here today, that I tell you that the person who put this together is my longtime friend, Speaker of the House, Doug Scamman.

Because he used to come in my office after you had beat him up for hours and he would say, "What are we going to do next?" and he looked very tired and he's used to getting up at five o'clock in the morning.

I want to congratulate you all and I want to thank you all. For those of you who would like to know what time my flight is leaving, it's leaving Sunday morning at 6:47 from Manchester. I hope you enjoy your break. God bless you and thank you very much.

Speaker Scamman addressed the Joint Convention as follows:

Thank you very much, Sen. Bartlett, Governor, members of the Joint Convention. I must say I've never been more proud to be a member of the state legislature or government. We've come a long way from a \$180 million shortfall about January 3rd. It's been a long, tedious road, but everyone has bent into the wind and we have come a long way towards solving the problems in the budget.

We do have something that we feel is a balanced budget and good program to go forward. We will be in session for the next two months. If there are any items that come up that need correcting, then we certainly will have an open mind and go forward and solve them.

We appreciate that the Governor still has a major part to go forward and help to solve this budget in administering it. We appreciate the fact that he has been on board, going forward and asking us to keep cutting and cutting and cutting.

The project is done. I wish to thank everyone in the process. Everyone has been named two or three times already. I'm not going to start again because I know we want to get home.

With that, I appreciate the fact that the Governor, Senator Bartlett and the Senate have come in for a Joint Convention.

The House does have a little bit more business to do and I would ask that after we move to have the Joint Convention arise for the House members to stay in their seats. We won't move the chairs but we do have a couple of motions we do have to finish. Thank you all very much.

Sen. Dupont and Rep. Gross moved that the Joint Convention arise.

Adopted.

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Rep. Lawrence Chase requested that the question be divided so as to consider HB 1231 separately.

The Speaker ruled the question was divisible and it was so divided.

The motion was adopted on all bills except HB 1231.

LATE SESSION

Third reading and final passage

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children.

HB 1289-FN, relative to DWI offenses.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor.

HB 1118, relative to the disabled.

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor.

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations.

HB 1225-FN-A, to define "retired state employee" for state employee group insurance purposes.

HB 1229-FN, relative to organizational and personnel changes within the department of corrections.

HB 1348-FN-A, relative to access to health care for the uninsured and making an appropriation therefor.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges.

HB 1383, relative to drug and alcohol education, prevention, and student assistance counseling and referral programs.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance.

HB 1394-FN, relative to the election of optional retirement allowances.

HB 1106-FN, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings.

HB 1120, relative to notice of insurance cancellation.

HB 1152, relative to confidentiality of information regarding videotape rentals.

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors.

HB 1276, relative to sales of motor vehicles.

HB 1282-FN, relative to licensing of nondepository first mortgage bankers and brokers.

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same.

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.

HB 1438, relative to the goals and objectives for reduction of solid waste.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels.

HB 1178-FN-A, relative to marital masters and making an appropriation therefor.

HB 1250-FN, relative to employees of the dog and horse racing industry.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system.

HB 1326-FN, relative to the sale or lease of certain institutional lands.

HB 1406-FN, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians.

HB 1351, relative to employment termination.

HB 1050-FN, relative to "junk fax."

Rep. Chase moved that HB 1231 be Laid on the Table.

On a division vote, 137 members having voted in the affirmative and 167 in the negative, the motion lost.

Rep. Gross moved that HB 1231 be read a third time and passed at the present time.

Adopted.

Third reading and final passage

HB 1231-FN, relative to the 10-year state highway plan and the governor's advisory commission on highways.

Rep. Gross moved that the House stand in recess for the purpose of Enrolling Reports, Senate Messages and the Introduction of Senate Bills only.

Adopted.

The House recessed at 7:35 p.m.

RECESS

(Rep. Burns in the Chair)

ENROLLED BILLS REPORT

HB 1038-FN, relative to revenue raising measures and certain appropriations.

HB 1170-FN, to increase the real estate transfer tax for the biennium ending June 30, 1991.

HB 1390-FN-A, to impose a communications service tax and making an appropriation therefor.

HB 1501-FN-A, relative to state revenues and expenditures and relative to certain general fund fees and revenues.

HB 1502-FN-A, to increase the beer tax for the biennium ending June 30, 1991.

HB 1504-FN-A, increasing the tobacco tax.

HB 1505-FN-A, relative to motor vehicle road tolls and fees and a gasoline floor tax.

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

SENATE MESSAGES REQUESTS CONCURRENCE

SB 325, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

SB 361, relative to radon gas and lead paint.

SB 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits.

SB 351, relative to Pease Air Force Base Development Authority and making an appropriation therefor.

Rep. O'Rourke offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 325, 361, 367 and 351 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 325, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages. (Commerce, Small Business and Consumer Affairs)

SB 361, relative to radon gas and lead paint. (Science, Technology and Energy)

SB 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits. (Executive Departments and Administration)

SB 351, relative to Pease Air Force Base Development Authority and making an appropriation therefor. (Commerce, Small Business and Consumer Affairs)

ENROLLED BILL AMENDMENT

HB 108-FN, licensing massage practitioners and massage establishments.

(Amendment)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1991.

RECESS

(Rep. Sallada in the Chair)

ENROLLED BILLS REPORT

HB 552, relative to assessment of conservation lands.

HB 596, limiting personal liability of certain fire department, emergency service, and rescue squad members.

HB 746, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees.

HB 1044, relative to fees of justices of the peace and notaries public.

HB 1048, relative to rabies control of dogs.

HB 1053, relative to the patients' bill of rights.

HB 1146, relative to confidential information concerning a child who is subject to placement with persons or agencies.

HB 1149, relative to expending national forest reserve funds in unincorporated towns and unorganized places.

SJR 1, naming the Kenneth M. Tarr Health Care Facilities.

HB 108, licensing massage practitioners and massage establishments.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

RECESS

(Rep. Gross in the Chair)

ENROLLED BILLS REPORT

HB 355, relative to the African Development Bank.

HB 1159, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure.

HB 1230, allowing Hart's Location to establish a school district.

HB 1274, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn.

HB 1281, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy.

HB 1283, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant.

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way.

HB 1359, relative to regional vocational education.

Rep. Ann J. Bourque, Sen. David P. Currier for the Committee

RECESS

Rep. Grodin moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 14

Thursday, March 15, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by Rabbi Richard Polirer of Manchester's Temple Israel, guest of Rep. Scott Green.

Heavenly Father, Almighty God, as we come together in Your sight this afternoon, we pause to give You thanks. We thank You for endowing mankind with special gifts of reason, cognition, ethics, and morality. As the crown of Your creation, we pray that all people everywhere use those human powers to bring honor, dignity, and happiness to the world that You have granted to us.

Today, we have come to exercise the obligation and trust that our constituents have placed in our hands. As we consider legislation and governmental functions placed before us this day, we pray that our thoughts and deeds be guided by the noblest of sentiment. May we act in accordance with the highest tenets of justice, as You have proclaimed in Your Holy Bible. Justice shall you pursue. May our motives be pure, and our conduct reflect that selfsame righteousness. May we take pride in our differences, as we move forward to do that which we feel will most benefit those whom we serve, even as we take inspiration from our many similarities in viewpoint. May human pridefulness not deter us from our tasks nor divide us; may pride in one another galvanize us into righteous action and unite us in purpose.

We pray for Your inspiration, Lord, to bring out the spark of the divine that resides within each of us. Thus endowed, may thought carry to deed. May our considerations here this day continue to build the just society of man that we have thus far so nobly advanced in our beloved state. May our citadel of democracy be strong enough to withstand the lashing winds of dissonance and discord, of adversity and anguish. May it be soft enough, too, to afford the meek and the weak sanctuary within its walls.

At this time of our convocation, we ask that You bless the government of these United States and our beloved state of New Hampshire with Your grace and good counsel. May peace and security, happiness and prosperity, justice and freedom forever abide in our midst. May You crown our noblest of efforts with triumph, and bless us with Your providence always. Amen.

Rep. Donnalee Lozeau led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Appleby, Julie Brown, Drabinowicz, John Flanders, Kincaid, Larson, Pratt, Sanderson and Steiner, the day, illness.

Reps. Beaton, Behrens, Lionel Boucher, Burkush, Callaghan, Paul Dionne, Emma Dodge, A. Gibb Dodge, Domini, Drake, Gilbreth, Betty Hall, Hoelzel, Hynes, Lachance, Stamatakis and Upton, the day, important business.

Reps. Jean and Holden, the day, illness in family.

INTRODUCTION OF GUESTS

Mrs. Gallagher, her American Politics and Government class from Hesser College, guests of Rep. Weyler; Miles Scott of London and John Seavey of Portsmouth, both from the British National Health Service, guests of Rep. Fair; Sabeha Jyawook of Saint Joseph College, Rutland, Vermont, guest of Alice Ziegler; students from the

Oyster River Elementary School, Durham, guests of Reps. Burton, Martling, Amanda Merrill, Spencer, Wall and Katherine Wheeler; Jordy Green, president of the student assembly at Dartmouth College, guest of Rep. Nordgren; Pamela Markley, wife of Rep. Keith Markley; Sanford, Alex and Adam Roberts from Portsmouth, guests of Rep. Pignatelli; Donna Thibeault, guest of Rep. Welch; Mr. and Mrs. Phillip Jones, Darren, Lindsay, and Evan Jones, from New Boston, guests of Rep. Sallada; Jim Eddinger, District Chairman, Manchester Optimist Club, Gerry Pitre, New England District Governor and Heather Remillard, Manchester Optimist Club; Bridget O'Brien Duggan, Rollinsford, daughter of Rep. O'Brien.

The Keene Delegation offered the following:

HOUSE RESOLUTION NO. 58

honoring Robert A. Whitcomb of Keene

WHEREAS, a gentleman is defined as one of gentle and refined manner; a well-bred man of character and fine feelings, and

WHEREAS, in the collective opinion of his family, his friends, and his colleagues, Robert A. Whitcomb, affectionately known to all as Bob, is a man who epitomizes that definition, and

WHEREAS, Robert A. Whitcomb is one of Keene's and New Hampshire's most distinguished sportsman who in 1987 formed the Bob Whitcomb Auto Racing Team that rapidly earned numerous honors and great success, and

WHEREAS, in 1990, on the 18th day of February, the Bob Whitcomb car and Auto Racing Team won the prestigious Daytona 500 Stock Car Race in Florida, and

WHEREAS, in addition to being a distinguished sportsman, Robert A. Whitcomb is an esteemed businessman and citizen blessed with an abundance of generosity and community spirit who generously has supported and sponsored local Boy Scout troops and Little League teams, and

WHEREAS, on numerous occasions, Robert A. Whitcomb has demonstrated his outstanding leadership abilities as a member of the local United Fund, Rotary Club, Chamber of Commerce, and the New Hampshire Industrial Development Authority, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Robert A. Whitcomb be lauded and granted highest accolades for his outstanding and untiring generosity and leadership in the City of Keene, and be it further

RESOLVED, that Robert A. Whitcomb be saluted for his recent success in Daytona, Florida, and that a suitable copy of this Resolution be prepared for presentation to him.

Adopted.

The Manchester Delegation offered the following:

HOUSE RESOLUTION NO. 59

honoring 1990 State Champion Orators, Julie Mittelman and Karl Nobert

WHEREAS, in the city of Manchester, on the Twenty-First day of February in the Year of Our Lord, Nineteen Hundred and Ninety, at the annual Optimist International Oratorical Competition, Julie Mittelman and Karl Nobert were proclaimed New Hampshire Champions, and

WHEREAS, each being a distinguished and accomplished student, Julie Mittelman is a sophomore at Manchester Central High School and Karl Nobert is a freshman at Manchester West High School, and

WHEREAS, by virtue of being crowned New Hampshire State Oratorical Champions, Julie Mittelman and Karl Nobert have earned the right to compete in the regional competition at Portland, Maine in May, and

WHEREAS, now celebrating its sixty-second year, the prestigious oratorical competition is limited to students younger than sixteen years who are obliged to prepare their own orations and deliver them within a strict time limit without assistance of any sort, and

WHEREAS, Julie Mittelman and Karl Nobert, by demonstrating their championship abilities, have brought honor and pride to their respective schools, teachers, families, neighborhoods, to the City of Manchester, and to the State of New Hampshire, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Julie Mittelman and Karl Nobert receive highest praise for the hard work and dedication that made them champion orators, and that they be recognized and applauded for their outstanding achievements and commitment to excellence, and be it further

RESOLVED, that Julie Mittelman and Karl Nobert receive best wishes for continued oratorical success in Portland in May, and that suitable copies of this Resolution be prepared for presentation to them.

Adopted.

The House Rules Committee having approved its introduction, Rep. Gross moved that House Resolution 57, requesting the United States Congress to amend the United States Constitution to prohibit flag desecration, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

INTRODUCTION OF HOUSE RESOLUTION NO. 57

First, second reading and referral

House Resolution 57, requesting the United States Congress to amend the United States Constitution to prohibit flag desecration. (Pepino of Hillsborough Dist. 37; Hunter of Hillsborough Dist. 6; Benton of Rockingham Dist. 5; Barberia of Merrimack Dist. 6; Brady of Hillsborough Dist. 33; Scamman of Rockingham Dist. 19; Burns of Coos Dist. 5; Gross of Merrimack Dist. 16; Ann M. Torr of Strafford Dist. 6 — To State-Federal Relations)

Adopted.

SENATE MESSAGES

NONCONCURRENCE

HB 631-FN, relative to railroad consolidation with other public utilities or common carriers.

HB 567-FN, relative to expenditure of excess moneys by school districts.

REFERRED FOR INTERIM STUDY

HB 382-FN-A, to establish a procedure to assess earth products for real estate taxation purposes.

CONCURRENCE

CACR 23, relating to sweepstakes revenues distribution.

HCR 15, supporting multi-cultural and multi-ethnic education for New Hampshire students.

HB 1030, relative to cease and desist orders issued by the Director of the Division of Forests and Lands.

HB 1033, relative to fishing in the Connecticut River.

HB 1035, relative to biennial Fish and Game hearings.

HB 1036-FN, relative to non-resident and resident wholesale marine species licenses.

HB 1040-FN, relative to civil and criminal penalties in the safe drinking water act.

HB 1066-FN, relative to the operation of bingo games.

HB 1084-FN, relative to continuing care communities.

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor.

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District.

HB 1183, relative to supervision of highway agents.

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation.

HB 1185, to reclassify portions of certain highways in the town of New Castle.

HB 1190, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects.

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor.

HB 1257, relative to motor vehicle road tolls.

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel.

HB 1414, relative to committee members of the State Conservation Committee.

HB 1422-FN, permitting tinted glass in motor vehicle windshields and side windows for medical reasons.

HB 95-FN, relative to eligibility criteria for AFDC recipients.

HB 355, relative to the African Development Bank.

HB 1159, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure.

HB 1230-FN, allowing Hart's Location to establish a school district.

HB 1274-FN, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn.

HB 1281-FN, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy.

HB 1283-FN, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant.

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way.

HB 1359-FN, relative to regional vocational education.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 530-FN, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war. (Amendment printed SJ 8, 2/8/90)

Rep. Bean moved that the House concur.

Adopted.

HB 745-FN, relative to the hazardous material transportation advisory board. (Amendment printed SJ 8, 2/9/90)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 1001-FN, increasing agent fees for fish and game licenses. (Amendment printed SJ 10, 3/6/90)

Rep. Perham moved that the House concur.

Adopted.

HB 1004-FN, relative to the tax abatement procedure. (Amendment printed SJ 8, 2/8/90)

Rep. Grodin moved that the House concur.

Adopted.

HB 1075, relative to location of court hearings in abuse or neglect cases. (Amendment printed SJ 10, 3/6/90)

Rep. Bean moved that the House concur.

Adopted.

HB 1108-FN, establishing a committee to study child care in public and private sector buildings. (Amendment printed SJ 10, 3/6/90)

Rep. Bean moved that the House concur.

Adopted.

HB 348-FN, relative to damages from construction. (Amendment printed SJ 8, 2/8/90)

Rep. Thomas Gage moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Lown, Burling and Record.

HB 756-FN, relative to cluster development and multi-family dwellings. (Amendment printed SJ 6, 1/30/90)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Roger King, Dykstra and Wadsworth.

HB 575-FN, relative to campaign financing. (Amendment printed SJ 6, 1/30/90)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Holden, Flanagan, Leclerc and Ann Torr.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 314, relative to the New Hampshire energy authority, was removed at the request of Rep. Leonard Smith.

Adopted.

SB 334-FN, allowing the town of Ellsworth to establish a school district. **OUGHT TO PASS.**

This bill allows the town of Ellsworth in Grafton County to locally comply with Chapter 266, Laws of 1989, relative to providing the costs of education for its children. Vote 15-0. Rep. Nils H. Larson for Education.

SB 355-FN, relative to regional vocational education. **INEXPEDIENT TO LEGISLATE.**

The subject of this bill is covered in SB 400 already acted on by the Public Works Committee. Vote 14-0. Rep. Herbert N. Foote for Education

SB 400-A, increasing the appropriation for constructing regional vocational education centers. **OUGHT TO PASS.**

The House has already passed the companion bill — HB 1350, and the Committee recommends passage of this Senate bill. Vote 15-0. Rep. Fredrik Peyron for Public Works.

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages. **OUGHT TO PASS WITH AMENDMENT.**

Senate Bill 329 is a housekeeping bill dealing with liquor vendors and their representatives. This bill restores the prohibition in the law against vendor intervention in Liquor Commission operations. The amendment addresses contingency language to ensure proper passage with HB 1410, and prohibits the use of clocks in advertising. Vote 11-0. Rep. Thomas A. Behrens for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to penalties for intervening in stocking, displaying, listing, delisting,
or marketing of products authorized by the liquor commission and
relative to certain beverage and liquor advertising.

Amend the bill by deleting sections 2-4 and renumbering sections 5 and 6 to read as 2 and 3, respectively:

Amend section 2 of the bill by replacing it with the following:

2 Reference Added. Amend RSA 177:8, I to read as follows:

I. An industry member may furnish, give, rent, loan, or sell retailer advertising specialties to a retailer if such items bear advertising material and are primarily valuable to the retailer as a means of advertising. These items may include, but are not limited to: coasters, mats, menu cards, wine lists, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, [clocks] and calendars. No advertising of liquor or beverages shall be allowed through the use of [either electric or directly or indirectly illuminated signs] ***clocks or electric signs, directly or indirectly illuminated***, inside or outside the licensed premises. The name or name and address of the retailer may be added to the advertising specialty.

Amend the bill by replacing all after section 2 with the following:

3 Reference Added. Amend RSA 179:29, I to read as follows:

I. An industry member may furnish, give, rent, loan, or sell retailer advertising specialties to a retailer if such items bear advertising material and are primarily valuable to the retailer as a means of advertising. These items may include, but are not

limited to: coasters, mats, menu cards, wine lists, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, [clocks] and calendars. No advertising of liquor or beverages shall be allowed through the use of [either electric or directly or indirectly illuminated signs] ***clocks or electric signs, directly or indirectly illuminated***, inside or outside the licensed premises. The name or name and address of the retailer may be added to the advertising specialty.

4 Contingency Provision. If HB 1410-FN of the 1990 legislative session becomes law, then section 3 of this act shall take effect July 1, 1990, at 12:01 a.m. If HB 1410-FN does not become law, section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill reinstates a paragraph making it unlawful for liquor or wine representatives or vendors to intervene in the liquor commission's policies, practices, or decisions concerning stocking, displaying, listing, delisting, or marketing of products.

The bill also prohibits certain advertising of beverages and liquor.

SB 335-FN, relative to the department of libraries, arts, and historical resources. **OUGHT TO PASS.**

Dr. R. Stuart Wallace from the Division of Historical Resources did an excellent job in speaking to the bill. This name change will help the Department to "bring a greater sense of harmony and belonging to the many disparate parts of the greater cultural community." Vote 14-0. Rep. Lowell D. Apple for State Institutions and Housing.

REGULAR CALENDAR

SB 353-FN, requiring state agencies to purchase recycled paper products. **OUGHT TO PASS.**

This legislation amends RSA 21-I:14-a and requires that state agencies purchase a certain amount of recycled paper products commencing June, 1991. A special recycling fund is established to receive proceeds from the sale of recyclable material by state agencies to be used to reimburse them for price differentials between the cost of virgin paper supplies and the recycled paper products. Vote 11-2. Rep. John L. Sherburne for Environment and Agriculture.

Referred to Appropriations.

SB 332, relative to electing zoning board of adjustment members. **OUGHT TO PASS.**

The preponderance of testimony was in favor of this bill. Although questions arose from some members concerning the election of Zoning Board of Adjustment members, the majority of the Committee felt that because the legislation was enabling, allowing the municipality to choose whether to elect or appoint members, that it ought to pass. Vote 13-3. Rep. Leona Dykstra for Municipal and County Government.

Ordered to third reading.

SB 314-FN, relative to the New Hampshire energy authority. **OUGHT TO PASS.**

All involved parties seem to agree that the purpose of the New Hampshire Energy Authority has been fulfilled and that it should be terminated before someone wants to

use it for a different purpose. Vote 9-0. Rep. Thomas J. Rice for Science, Technology and Energy.

Rep. Rodeschin yielded to questions.

Rep. Leonard Smith spoke against the report, yielded to questions and requested a quorum count.

The Speaker declared a quorum present.

Rep. Vogler spoke in favor of the report.

Rep. Lozeau moved that HB 314 be laid on the table.

A roll call was called for. Sufficiently seconded.

YEAS 91

NAYS 237

YEAS 91 BELKNAP

Salatiello, Thomas

CARROLL

Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.

Blacketor, Paul G.
LaMar, David M.

Cole, Kenneth A.

COOS

Dumont, Robert E.
Mayhew, Josephine

Guay, Lawrence J.

Kilbride, Dennis J.

GRAFTON

Arnesen, Deborah L.

LaMott, Paul I.

White, Paul R.

HILLSBOROUGH

Andrews, Frederick B.
Cox, Gladys M.
Dube, Ellen C.
Gerow, Sezen M.
Healy, Daniel J.
Lachut, Ervin R.
Lozeau, Donnalee
Packard, Bonnie B.
Schneiderat, Catherine
Young, Willard N.

Beaupre, Roland O.
Daigle, Robert Arthur
Foote, Herbert N., Sr.
Gureckis, Adam C., Sr.
Hultgren, David D.
Lefebvre, Roland J.
Messier, Irene M.
Paquette, Rodolphe G.
Smith, Leonard A.

Cote, David E.
Donovan, Francis X.
Ford, Nancy M.
Haettenschwiller, A. A.
King, John A.
Lown, Elizabeth
Moore, Elizabeth A.
Robinson, Ellen-Ann
Toomey, Daniel

MERRIMACK

Anderson, Eleanor M.
Braiterman, Thea
Jacobson, Alf E.
Wallner, Mary Jane

Bardsley, Elizabeth S.
Dunn, Miriam
Smith, Gerald R.

Bennett, J. Allen
Fair, Patricia A.
Soldati, Jennifer

ROCKINGHAM

Blanchard, Mary Ann N.
Conroy, Janet M.
Gourdeau, Raymond H.
Hollingworth, Beverly A.
Klemm, Arthur P., Jr.
McCain, William F.

Campbell, Marilyn R.
Gage, Beverly A.
Haynes, Richard L.
Johnson, Robert A.
Lovejoy, Virginia K.
McGovern, Cynthia A.

Caswell, Albert, Jr.
Gage, Thomas U.
Hoar, John, Jr.
Kane, Cecelia D.
Malcolm, Kenneth W.
Parr, Ednapearl F.

Parsons, Robert F.
Ritzo, Eugene
Splaine, John E., Sr.

Popov, Elizabeth M.
Rosencrantz, James R.
Vaughn, Charles L.

Remick, Barbara R.
Roulston, Donald L.
Weddle, Michael Rodney

STRAFFORD

Dionne, Albert J.
O'Brien, John
Vincent, Francis C.

Gilmore, Gary
Pelley, Janet R.
Young, John B.

Marston, Robert E.
Sullivan, Henry P.

SULLIVAN

Burling, Peter Hoe
Peyron, Fredrik

Flint, Gordon B.

Harland, Jane A.

NAYS 237

BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas, Jr.
Vogler, Charles C.

Hardy, Earle D.
Maviglio, Steven R.
Richardson, Lawrence
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Gordon, Irvin H.
Laurent, John J.
Morse, Jo-Ann T.
Pierce, David A.
Young, David A.

Cole, Stacey W.
Eaton, Daniel Adams
Grodin, Richard A.
Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

Crutchley, Donald O.
Foster, Katherine Davis
Hill, Douglas E.
Metzger, Katherine H.
Perry, David M.
Spear, Susan

COOS

Brungot, Catherine V.
Merrill, Gerald
Theriault, Romeo J.

Horton, Lynn C.
Nelson, Harold D.

Lemire, George
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Densmore, Edward D.
Guest, Robert H.
Nordgren, Sharon
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Christy, C. Dana
Dow, David
Hill, Richard L.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Copenhaver, Marion L.
Driscoll, William J.
Markley, J. Keith
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet Gail
Biondi, Christine A.
Brady, Carolyn L.

Alukonis, David J.
Barry, Vivian
Bourque, Ann J.
Cowenhoven, Garret P.

Amidon, Eleanor H.
Bicknell, Robert C.
Bowers, Dorothy C.
Desrochers, Gerard T.

Desrosiers, William J.
 Dwyer, Patricia R.
 Elliott, Larry G.
 Frank, Nancy G.
 Green, Scott E.
 Harlan, Susan N.
 Jenkins, Mary
 Kelley, Robert N.
 Kurk, Neal M.
 Leclerc, Charles J.
 McDowell, James E.
 Murphy, Robert E.
 Ouellette, Robert O.
 Perham, Lester R.
 Riley, Frances L.
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.
 Wright, George W.

Domaingue, Jacquelyn
 Dyer, Merton S.
 Emerton, Lawrence
 Gagnon, Gabrielle V.
 Grip, Robert H.
 Hunter, Bruce F.
 Johnson, Lionel W.
 Knight, Alice Tirrell
 Lawrence, Eva M.
 Mason, Howard F.
 McNerney, Daniel P.
 Nardi, Theodora P.
 Pappas, Toni
 Record, Alice Barnard
 Rodgers, G. Philip
 Soucy, Lillian E.
 Turgeon, Roland M.
 Wheeler, David K.

Drolet, Paul L.
 Dykstra, Leona
 Flood, Jacqueline J.
 Goulet, Maurice E.
 Hanselman, Gregory L.
 Jasper, Shawn N.
 Keefe, Edmund M.
 Kress, Gloria W.
 Lawrence, Norman B.
 McCann, Bonnie Lou
 McRae, Karen
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Rheault, Lillian I.
 Sallada, Roland A.
 Stiles, Walter A.
 Tyree, Paul M.
 Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
 Boucher, Laurent J.
 Fillion, Paul R.
 Hall, Douglas E.
 Holmes, Mary C.
 Lockwood, Robert A.
 Pfaff, Terence R.
 Shaw, Randall F.
 West, George M.

Asplund, Bronwyn L.
 Carter, Susan D.
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Johnson, C. William
 Millard, Elizabeth S.
 Phelps, James D.
 Stio, Peter M.
 Whittemore, James A.

Barberia, Richard A.
 Daneault, Gabriel
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Nichols, Avis B.
 Provencal, Leo A.
 Tolpin, Richard W.

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William Paul
 Bucu, Stephen
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Katsakiores, George N.
 MacDonald, Joseph A.
 Mace, Ada L.
 McKinney, Betsy
 Pantelakos, Laura C.
 Senter, Marilyn P.
 Simon, Peter M.
 Stachowske, Vicki
 Warburton, Calvin
 Weyler, Kenneth L.

Bell, Juanita
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Cote, Patricia L.
 Fesh, Robert M.
 Ford, Bert H.
 Katsakiores, Phyllis
 MacDonald, Maurice B.
 Magoon, Harold F.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Seward, Russell G.
 Skinner, Patricia M.
 Sytek, Donna
 Welch, David A.
 Wright, David B.

Benton, Richardson D.
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Greene, Elizabeth A.
 King, Roger C.
 MacKinnon, Nancy W.
 McCarthy, John James, Jr.
 Palazzo, Frank J., Sr.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Wells, Henry E.

STRAFFORD

| | | |
|-------------------------|------------------------|--------------------------|
| Bernard, Mary E. | Bickford, Drucilla | Burton, Wayne M. |
| Flynn, Anita A. | Flynn, Edward J. | Foss, Patricia H. |
| Frechette, Roland A. | Kinney, Paula J. | Martling, W. Kent |
| McCann, William H., Jr. | Merrill, Amanda | Musler, George T. |
| Parks, Joe B. | Scharff, Thomas Edward | Stewart, Glenn W. |
| Swope, Warren L. | Torr, Ann M. | Torr, Ralph W. |
| Tsiros, William | Wall, Janet G. | Wheeler, Katherine Wells |

SULLIVAN

| | | |
|--------------------|-----------------------|-----------------------|
| Hinrichsen, Keith | Krueger, Richard H. | MacAskill, Kenneth M. |
| Middleton, John A. | Rodeschin, Beverly T. | Schotanus, Merle W., |

and the motion lost.

Ordered to third reading.

Reps. Pignatelli and Gross abstained from voting under Rule 16.

The Joint Rules Committee having approved their introduction by the necessary three-fifths vote of each Rules Committee voting separately, Rep. Gross moved that House Bill 1506-FN, relative to state employee layoffs and HB 1507-FN, relative to early retirement benefits shall be by this resolution read a first and second time and referred to the therein designated committee.

INTRODUCTION OF BILLS**First, second reading and referral**

HB 1506-FN, relative to state employee layoffs. (Rep. Gross of Merrimack Dist. 16; Rep. Chambers of Grafton Dist. 12; Sen. Dupont of Dist. 6; Sen. Blaisdell of Dist. 10 — To Executive Departments and Administration)

HB 1507-FN, relative to early retirement benefits. (Rep. Gross of Merrimack Dist. 16; Rep. Chambers of Grafton Dist. 12; Sen. Dupont of Dist. 6; Sen. Blaisdell of Dist. 10 — To Executive Departments and Administration)

Adopted.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on SB 333, making a supplemental appropriation to aid the sensory impaired, and SB 353, requiring state agencies to purchase recycled paper products, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

Rep. Powers moved that the rules be so far suspended as to permit the Committee on Executive Departments and Administration to hold public hearings on HB 1507, relative to early retirement benefits and HB 1506, relative to state employee layoffs, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

Rep. Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the chair or Tuesday, March 27, 1990 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 334-FN, allowing the town of Ellsworth to establish a school district.

SB 400-A, increasing the appropriation for constructing regional vocational education centers.

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and relative to certain beverage and liquor advertising.

SB 314-FN, relative to the New Hampshire energy authority.

SB 335-FN, relative to the department of libraries, arts, and historical resources.

SB 332, relative to electing zoning board of adjustment members.

Rep. Ann Torr moved that the House stand in recess.

Adopted.

The House recessed at 2:15 p.m.

RECESS

(Rep. Burns in the Chair)

ENROLLED BILLS REPORT

CACR 23, relating to sweepstakes revenues distributions, providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only.

HB 1030, relative to cease and desist orders issued by the director of the division of forests and lands.

HB 1033, relative to fishing in the Connecticut River.

HB 1035, relative to biennial fish and game hearings.

HB 1036, relative to nonresident and resident wholesale marine species licenses.

HB 1040, relative to civil and criminal penalties in the safe drinking water act.

HB 1058, regarding restoration and preservation of state historic flags and making an appropriation therefor.

HB 1066, relative to the operation of bingo games.

HB 1084, relative to continuing care communities.

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District.

HB 1183, relative to supervision of highway agents.

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation.

HB 1185, to reclassify portions of certain highways in the town of New Castle.

HB 1190, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects.

HB 1288, relative to the interstate agreement on qualification of educational personnel.

HB 1414, relative to committee members of the state conservation committee.

HB 1422, permitting tinted glass in motor vehicle windshields and side windows for medical reasons.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

RESIGNATION

March 12, 1990

The Honorable W. Douglas Scamman, Jr.
Speaker of the House

Dear Mr. Speaker:

As I am planning to move out of state in the near future, I must regretfully resign from the House, effective at once.

Sincerely,
Douglas G. Forsythe

SUPREME COURT OF NEW HAMPSHIRE OPINION OF THE JUSTICES

March 9, 1990

The following Resolution No. 54, requesting an opinion of the justices, by the House of Representatives was adopted on January 25, 1990, and filed with the Supreme Court on January 26, 1990:

“Whereas, there is pending in the House, House Bill 412-FN-A as amended, ‘An Act to provide tax credits for employees under the business profits tax’: and

“Whereas, RSA 77-A:1, XXI and XXII as proposed in HB 412-FN-A as amended add definitions of ‘compensated service’ and ‘New Hampshire employee,’ respectively, for business profits tax purposes: and

“Whereas, RSA 77-A:4, XV as proposed in HB 412-FN-A as amended would require adding to gross business profits the amount of all deductions taken by a business organization for wages, salaries, or other compensation for personal services actually rendered by employees: and

“Whereas, RSA 77-A:5, VI as proposed in HB 412-FN-A as amended would allow the sum of the following credits against the tax due under the business profits tax:

(a) \$2,800 for each New Hampshire employee rendering 1,800 or more hours of compensated service to the business organization during the period for which a return must be filed under RSA 77-A.

(b) A pro rata share of the credit provided in subparagraph (a), based upon the number of hours of compensated service, for each New Hampshire employee rendering less than 1,800 such hours to the business organization during the period for which a return must be filed.

(c) \$2,800 for each proprietor actually devoting 1,800 or more hours to the operation of the enterprise.

(d) A pro rata share of the credit provided in subparagraph (c), based upon the number of hours actually devoted to the operation of the enterprise, for each proprietor devoting less than 1,800 such hours during the period for which a return must be filed: and

“Whereas, the unnumbered concluding paragraph of RSA 77-A:5 as proposed in HB 412-FN-A as amended would allow the unused portion of the credit to be carried forward for 5 years following the year in which the credit was generated, with the total amount of any such credit carried forward not to exceed \$20,000 per year or \$100,000 in total: and

"Whereas, HB 412-FN-A as amended repeals the deduction under RSA 77-A:4, III for fair and reasonable compensation for personal services: and

"Whereas, the stated purposes of the bill are to encourage employment in this state and to spread the burden of taxation more equally among the business organizations already subject to the business profits tax: and

"Whereas, a question has arisen as to the constitutionality of the provisions of said bill as amended: and

"Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment: now, therefore, be it

"Resolved by the House:

"That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would enactment of HB 412-FN-A, which amends the business profits tax by effectively repealing with respect to all business organizations the deduction for wages, salaries, or other compensation for personal services of employees, partners or proprietors, have the effect of impermissibly classifying taxpayers under Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

2. If the answer to question 1 is in the negative, would imposition of the business profits tax on taxable business profits calculated without the benefit of a deduction for compensation for personal services of employees, partners or proprietors, violate the requirements for equality and proportionality mandated by Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

3. Would the provision of HB 412-FN-A that allows a credit against the business profits tax equal to \$2,800 for each 'New Hampshire employee,' as that term is defined by HB 412-FN-A, or proprietor rendering 1,800 or more hours of compensated service to the business organization during the tax year, prorated in the case of New Hampshire employees or proprietors rendering less than 1,800 hours of service during the tax year, violate the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution because it effectively creates a discriminatory or disproportionate system of taxation, or impermissibly classifies taxpayers for purposes of taxation?

4. Would allowance of the credit as so proposed offend the constitutional requirements that such an exemption from tax be reasonable and uniform, as stated in Opinion of the Justices, 131 N.H. 640, 642 (1989)?

5. If the answers to questions 3 and 4 are in the negative, would the carryover provisions of HB 412-FN-A, which allow the unused portion of the credit to be carried forward for 5 years following the year in which the credit was generated, but which limit the total amount of the carryover to \$20,000 per year or \$100,000 in total, violate any provision of the New Hampshire Constitution?

6. In all respects other than those to which the preceding questions relate, is HB 412-FN-A constitutional?

"That the clerk of the house of representatives transmit copies of this resolution and HB 412-FN-A, as amended, to the Justices of the New Hampshire Supreme Court."

The following response is respectfully returned.

To the Honorable House of Representatives:

The undersigned Justices of the Supreme Court now submit the following replies to your questions of January 25, 1990. Following our receipt of your resolution on

January 26, 1990, we invited interested parties to file memoranda with the court until February 13, 1990.

The New Hampshire Business Profits Tax, see RSA 77-A:2 (Supp. 1989) is an eight percent tax on the "taxable business profits" of a "business organization" (i.e., any enterprise organized for gain or profit, whether a corporation, partnership or proprietorship, RSA 77-A:1, I (Supp. 1989). "Taxable business profits" are "gross business profits," RSA 77-A:1, IV (Supp. 1989) (defined differently for each type of business organization, RSA 77-A:1, III (Supp. 1989), adjusted by certain additions and deductions, RSA 77-A:1, IV:4 (Supp. 1989), and subject to apportionment if derived from activities both within and without New Hampshire, RSA 77-A:3 (Supp. 1989).

The calculation of a corporation's "taxable business profits" begins with its taxable income as calculated under the United States Internal Revenue Code, RSA 77-A:1, III(a) & (b), IV (supp. 1989): N.H. Admin. Rules, Rev 301.05 (S-corporations), and thus excludes compensation paid to its employees, see Opinion of the Justices, 123 N.H. 296, 304, 460 A.2d 93, 99 (1983). The "taxable business profits" of partnerships and proprietorships likewise exclude their expenses for employee compensation, RSA 77-A:1, III(c) & (d), IV (Supp. 1989), as well as "reasonable compensation for ... personal services" of the active proprietors and partners themselves, RSA 77-A:4, III (Supp. 1989).

The "reasonable compensation" deduction was designed to place partnerships and proprietorships on par with corporations, which, in effect, also enjoy deductions for compensation paid to the individuals who run the enterprises. See Opinion of the Justices, 123 N.H. at 304, 460 A.2d at 99. Partnerships and proprietorships, like corporations, thus are expected to pay taxes on net income: that is, on their business income reduced by, inter alia, the amounts of compensation paid to their employees and to those individuals who are in charge of operating the enterprises.

House Bill 412-FN-A would amend the business profits tax provisions by eliminating the deductions for compensation currently taken by business organizations in calculating their taxable business profits. In place of those deductions, HB 412-FN-A would provide a \$2,800 tax credit for each employee or proprietor rendering 1,800 or more hours of service (and a prorated credit for those rendering fewer than 1,800 hours), although, apparently due to inadvertence, no credits would be available for the services of partners. Any unused credit limits, within certain limits, could be carried forward for five years following the initial year in which the credits were calculated.

Your first question asks whether repeal of those provisions that now effectively provide the deduction for compensation expenses would result in impermissibly classifying taxpayers contrary to the requirements of Part I, Article 12 of the State Constitution, and Part II, Article 5 (by which we assume you mean Article 6). But see Opinion of the Justices, 131 N.H., 640, 642, 557 A.2d 273, 275 (1989). Subject to a qualification to be explained, we answer that the repeal, considered in isolation from the further provisions for tax credits, would not have that unconstitutional result. Distinctions in tax treatment must rest upon reasonable classifications of property, not upon classifications of taxpayers owning a common class of property. Opinion of the Justices, 115 N.H. 306, 308-09, 339 A.2d 450, 452 (1975). Business income is a category of property reasonably recognizable as a distinct class under the constitutional provisions in question, see Opinion of the Justices, 123 N.H. 296, 301-02, 460 A.2d 93 97 (1983), and may be recognized for tax purposes either in its gross amount

or net of related expenses, see Opinion of the Justices, 95 N.H. 537, 539, 64 A.2d 320, 321 (1949). In an earlier opinion, we considered a legislative proposal to define the class of taxable business income without deduction for expenses of compensation and gave our opinion that this would be a reasonable method of enlarging the class of taxable property in question, Opinion of the Justices, 123 N.H. at 305-06, 460 A.2d at 99-100, and we affirmed that position less than a year ago in Opinion of the Justices, 131 N.H. 640, 643, 557 A.2d 273, 275 (1989). Subject to a caveat set out below, we are of the same opinion today.

Subject to the same caveat, we also return a negative answer to your second question, whether the imposition of a tax on business "profits" as so calculated would violate the equality and proportionality requirement of Part I, Article 12 and Part II, Article 5. Because the provisions of the bill eliminating the compensation deductions, considered alone, would operate with identical effect on all business entities, whether corporate or individual, the bill would satisfy the requirement that all such entities be treated with substantial equality, see Opinion of the Justices, 123 N.H. at 302, 460 A.2d at 97, in satisfaction of the requirements of proportional and equal taxation imposed by Part II, Article 5 of the Constitution, see Opinion of the Justices, 131 N.H. at 642, 557 A.2d at 275; Opinion of the Justices, 101 N.H. 549, 554, 137 A.2d 726, 730 (1958).

The caveat to which we have referred is prompted by an argument contained in the memorandum submitted on behalf of the New Hampshire Medical Society. The Society's counsel takes the position that the provision of HB 412-FN-A here under consideration should be analyzed as taxing payrolls of enterprises. The memo states that some enterprises providing medical services are not business organizations under RSA 77-A:1, I (Supp. 1989), which excludes from the class of such organizations those that are exempt from income taxation under the United States Internal Revenue Code as defined in RSA 77-A:1, XX. As a result, such organizations are also exempt from taxation under RSA 77-A:2 (Supp. 1989), which subjects only a business organization to a tax on its profits. Because HB 412-FN-A would not modify the definition of business organization, the Society's counsel argues that the bill would tax payrolls of medical services enterprises organized for profit, but not those of enterprises whose non-profit status is recognized under the Internal Revenue Code, with the result that the bill would impermissibly classify entities with otherwise identical payroll expenses, depending on their for-profit or non-profit status.

We neither accept nor dismiss this argument in its entirety. To the extent that it rests on an identification of the relevant class of property as payrolls, it runs counter to our consistent approval of legislative recognition of business income as a taxable class of property, the for-profit characteristic of which is an element of the statutory definition setting its limits. Insofar, then, as the argument predicates disparate tax treatment simply by redefining the class of taxable property (i.e., as payrolls of all enterprises) in such a way as to straddle the taxable line, it must be rejected as resting on a legal premise inconsistent with existing case law.

The argument may nonetheless raise an issue deserving legislative consideration, for it suggests that taxable medical service providers are not sufficiently distinguishable from the medical service enterprises granted exempt status for federal tax purposes to justify exempting the latter from taxation under RSA chapter 77-A. If this is so, their exemption from State taxation would be an impermissible classification of potentially taxable entities. We, of course, have no way of discovering or weighing the facts on which such a claim might rest, since requests for our advisory opinions come

to us with no record beyond the assumptions stated in the requests themselves. Nor, for the same reason, are we in any position to say whether RSA 77-A:1, XX (Supp. 1989), defining United States Internal Revenue Code in a certain manner unless and until ... the application of one of its provisions is held to violate the New Hampshire Constitution, would be adequate to authorize the commissioner of revenue administration to take action sufficient to save the constitutionality of the statute in the event of a challenge resting on the unconstitutional recognition of exempt status.

Questions three and four inquire whether the provisions of HB 412-FN-A for tax credits would violate the New Hampshire Constitution by impermissibly classifying taxpayers, N.H. CONST. Pt. II, Art. 6, or by creating a discriminatory, unreasonable, or disproportionate system of taxation, N.H. CONST. Pt. I, Art. 12; Pt. II, Art. 6. We answer in the affirmative.

While we recognize that the legislature has broad power to create exemptions, such as deductions, adjustments and credits, from taxable income under the business profits tax, such exemptions must be reasonable and uniform. Opinion of the Justices, 131 N.H. at 642, 557 A.2d at 275. The proposed tax credit scheme would violate this standard by providing disparate numbers of credits to business organizations without regard to income or aggregate reasonable compensation expenses, *id.* at 643, 557 A.2d at 275. The result would be differing tax rates and the same constitutional infirmity entailed by the recently proposed amendment to the business profits tax provisions that would have placed a \$100,000 cap on any deduction for reasonable compensation of one person, see *id.*

To illustrate the unequal tax treatment inherent in the proposed credit scheme, the memorandum submitted on behalf of the Business and Industry Association of New Hampshire and the New Hampshire Society of Certified Public Accountants posits the potential business profits tax liability under HB 412-FN-A of three business organizations, each with a gross income of \$150,000 and aggregate compensation expenses of \$150,000 for employees each working 1,800 or more hours each tax year. The first business has only one employee, who earns \$150,000 annually; the second has four employees, three of whom earn \$25,000 and one of whom earns \$75,000, and the third has ten employees, each earning \$15,000. Without calculating credits, the business profits tax for each business would be the same, 8% of \$150,000 or \$12,000. Under the proposed credit scheme, however, the first business would receive a \$2,800 tax credit for its single employee, and would thus pay a business profits tax of \$9,200 at an effective rate of 6.13% on gross business profits. The second business would receive \$11,200 in credits (\$2,800 for each employee), and pay \$800 in tax at an effective rate of .53% while the third business would receive \$28,000 in credits, an amount far exceeding its pre-credit tax of \$12,000, and thus would enjoy a 0% tax rate and pay no tax at all. Thus, the amount of business profits tax paid by each business organization would depend on the number of persons it employed and the compensation paid to those employees, attributes unrelated to the amount of income each organization produced. This scheme would therefore impose different rates of taxation on a single category of taxable property in violation of the New Hampshire Constitution. See Opinion of the Justices, 131 N.H. at 643-44, 557 A.2d at 275-76.

In addition to the unconstitutionality inherent in the proposed criteria for awarding credits, the absence of a provision in the bill to allow credits for the services of partners would itself obviously violate the constitutional principles we have just articulated. Any credits against business profits taxes must be equally available to every

type of business organization paying such taxes, including partnerships. See *id.* at 643, 557 A.2d at 275. The absence of partner credits from a scheme granting similar credits to proprietors and to corporations would create disparate tax rates on like categories of taxable business property in violation of the constitutional requirements of uniformity and equality of treatment in taxation. See *id.*

In light of our reply to questions three and four, we need not determine whether the carryover provisions of HB 412-FN-A would violate the New Hampshire Constitution. We respectfully decline to answer question six because of its generality. See *id.* at 644, 557 A.2d at 276.

March 9, 1990

William F. Batchelder

David H. Souter

William R. Johnson

W. Stephen Thayer, III

OPINION OF CHIEF JUSTICE BROCK

I join with the other members of the court in the opinion that the proposed tax credit scheme would violate the New Hampshire Constitution. However, I respectfully dissent from that portion of the opinion of the other justices which is offered in response to the second question.

The business profits tax, as enacted, constitutes a charge against what is traditionally known as profit, that net income which remains after the ordinary expenses of operation have been paid, and which represents the extent to which the principals have benefited from their investment. Under the State Constitution, the classification of businesses subject to the tax must include all forms of organizations, not just corporations. See *Opinion of the Justices*, 111 N.H. 206, 209, 278 A.2d 348, 350 (1971). But, while the profit of corporations is readily recognizable through federal tax reporting, partnerships and sole proprietorships do not ordinarily isolate an identifiable profit amount from the gross income of their participating principals.

To make the tax equitable among the different organizational forms, the current statute permits sole proprietors and partners to deduct from their income an amount of reasonable compensation equivalent to the value of their contribution to the business and, in effect, presumes that the remainder is taxable profit. Because discretion is allowed in calculating reasonable compensation, the amounts submitted are at best inconsistent and frequently approximate the total amount of income, thereby producing little or no tax. Thus, the difficulty of applying a profits tax to organizations that do not have a clearly recognizable profit becomes apparent.

Amendments have been suggested that would more sharply define profit. In one recent initiative, it was proposed that any compensation above \$100,000 paid to an individual employee, partner or sole proprietor be considered taxable profit. In opining on this scheme, this court stated that such classification would offend the constitutional requirements for equality, proportionality, and reasonableness and would impermissibly classify taxpayers in violation of State Constitution. *Opinion of the Justices*, 131 N.H. 640, 644, 557 A.2d 273, 276 (1989).

Before us is another such proposal which is comprised of two essential components. First, taxable profit is expanded to include any compensation paid to employees, partners or sole proprietors. Second, after the tax is computed, a tax credit of up to \$2,800, an amount equivalent to \$35,000 taxed at eight percent, is permitted for each person employed by the taxable organization.

In its resolution, the House of Representatives has asked us specific questions in regard to the components of the revised tax plan. The court responds unanimously in the opinion that the second component, the tax credit scheme, is unconstitutional because the resulting tax would depend on attributes unrelated to the object of the tax, the amount of income each taxable organization produces.

The other justices have opined the first component of the proposal satisfies constitutional requirements. I disagree. It is my opinion that the imposition of the business profits tax on the enlarged class of property, which includes employee compensation, would also violate the proportional and equal taxation requirements of the State Constitution.

I concur with the other justices in response to the first question. The classification of property for purposes of taxation, in the manner proposed by the legislature, by uniformly disallowing the deduction for employee compensation, is not in itself unconstitutional. See Opinion of the Justices, 123 N.H. 296, 306, 460 A.2d 93, 100 (1983). Wide latitude is afforded to the legislature in selectively classifying property for the purpose of taxation. Opinion of the Justices, 115 N.H. 306, 308, 339 A.2d 450, 451 (1975).

It is in response to the second question that I part company with the other members of the court. As I understand this question, we are asked for our opinion as to whether application of the business profits tax to the revised definition of taxable profits is unconstitutional. Because tax credits are allowed only after the amount of tax has been computed, the tax credit scheme is not considered in formulating this response.

The constitutionality of a statute must be determined by examining both its real purpose and its actual effects. *Id.* at 309, 339 A.2d at 452. The business profits tax is assessed only against businesses organized for gain or profit, RSA 77-A:1, I (Supp. 1989), and has been interpreted as taxing the realization of gain or profit, *Shangri-La, Inc. v. State*, 113 N.H. 440, 443, 309 A.2d 285, 287 (1973). The proposed amendments do not purport to alter this rationale. Instead, the changes are intended to spread the burden of taxation more equally among the business organizations already subject to the business profits tax ...

When the business profits tax is applied to the new definition of profit, some unusual effects are noted. The focus of the tax, while still involving a calculated net income, is moved away from the added value created by investment toward the expenses incurred in conducting operations. The tax would no longer apply strictly to the benefits of ownership; the amendment would require businesses to pay a premium to the extent that labor and personal services are required to produce those benefits. Businesses that are more labor intensive will bear a greater burden of taxation, while those which are more automated or require less human intervention will pay a lesser share.

In addition, it is unlikely that the amount of tax will bear any relationship to our traditional understanding of gain or profitability. For example, we can view the circumstances of two corporations, both having owners' equity of \$500,000, gross income of \$1,000,000, and net income after expenses of \$100,000. One of the corporations pays \$600,000 in employee compensation, while the other, perhaps more automated, pays only \$300,000. In applying the amended business profits tax at eight percent, one corporation would owe the State \$56,000 ($(\$100,000 + \$600,000) \times .08$) and the other one, \$32,000 ($(\$100,000 + \$300,000) \times .08$). The amount of the tax bears no relationship to the value of the corporation, the total income generated, or the benefits produced.

The additional effect such a proposal could have on employment need not be addressed; that question is not before the court and is ultimately for the legislature to evaluate. However, I note my difficulty in reconciling the results of such a tax with the other stated objective of the proposed amendment which is to encourage employment in this State.

Of course, the legislature has already recognized these effects and attempts to compensate for them by superimposing the tax credit scheme. However, tax credits are allowed only after the tax has been computed and, as stated by the other members of the court, the tax credit portion of the amendment is clearly unconstitutional.

In my opinion, the application of the business profits tax to the enlarged classification of taxable profits is itself unconstitutional. While intending to spread the burden of taxation more equally among business organizations subject to the tax, the proposed amendments would actually create disparities based upon the amount of compensation paid to persons employed by or participating in the business. A tax must be in proportion to the actual value of the property subject to tax, and it must operate in a reasonable manner. *Johnson & Porter Realty Co. v Comm'r of Rev. Admin.*, 122 N.H. 696, 698, 448 A.2d 435, 436 (1982). I can find no just reason why, in applying the business profits tax, some businesses should pay tax at a higher rate simply because the type of business may require greater expenditure in personnel charges. Like the tax credit scheme, the imposition of tax based upon attributes unrelated to the object of the tax results in different rates of taxation. It is my opinion that the proposed amendment lacks uniformity, is unreasonable, and violates the requirements of proportional and equal taxation imposed by Part I, Article 12 and Part II, Article 5 of our State Constitution. Consequently, my response to the second question would be in the affirmative.

March 9, 1990

David A. Brock

John P. Arnold, attorney general (David S. Peck and Peter T. Foley, senior assistant attorneys general, on the memorandum), filed a memorandum in support of negative answers to questions 1 - 4.

The Ways and Means Committee of the House of Representatives, by its Chair, Donna Sytek, filed a memorandum in support of negative answers to the questions presented.

Sulloway Hollis & Soden, of Concord (Martin L. Gross), filed a memorandum on behalf of the New Hampshire Medical Society in support of affirmative answers to questions 1, 3 and 4.

McLane, Graf, Raulerson & Middleton P.A., of Manchester (David E. Barradale and Kevin M. Leach), filed a memorandum in support of affirmative answers to questions 1 - 4.

Sari Ann Strasburg and Douglas R. Chamberlain, of Manchester, filed a memorandum in support of affirmative answers to the questions presented.

Mark Rufo, of Nashua, filed a memorandum in support of affirmative answers to questions 3 and 4.

Rep. Brungot moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 15

Tuesday, March 27, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend Robert Woodland, Pastor of the New Boston Presbyterian Church, guest of Reps. Moore and Sallada.

Dear Lord, You are the creator and sustainer of life, the source of justice, of peace, of hope and of love. We are honored to have been chosen by our fellow citizens to represent them in this great hall. We ask for Your guidance because we have important work to do. We are called to responsibility for the education of Your children; the protection of Your planet; the care of those who cannot care for themselves. We face the problems of drugs and alcohol, the fright of crime and the question which is ever before us of how to raise the money necessary to carry out these tasks and to deal with these problems.

God, grant us we pray, the ability to disagree with one another without being disagreeable, the ability to take our jobs seriously but not to take ourselves too seriously, the courage to stand up for what we believe is right and just and loving — even if it is politically unpopular to do so.

Give us the leadership of Moses, the moral fervor of Amos, the wisdom of Solomon and the compassion of Jesus. Forgive us our faults and let us know of Your presence. Amen.

Rep. Charles Vaughn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Drabinowicz, Elliott, Holbrook, Mayhew, Pratt, Sanderson, Soucy and Turner, the day, illness.

Reps. Lionel Boucher, Bourque, Callaghan, Dyer, Foss, Grip, C. William Johnson, Lachance, Markley, Parr, Prestipino, Remick, Rodgers, Scamman, Schneiderat, Shackett, Sherburne, Tyree and Upton, the day, important business.

Rep. Schmidtchen, the day, death in family.

Rep. Blanchard, the day, illness in family.

INTRODUCTION OF GUESTS

Richard Marsh of Derry, guest of Rep. Raynowska; Russell Keith of Dublin, guest of Rep. Avery and the Monadnock Branch American Association University of Women, guests of Rep. Dyer.

Rep. James McDowell made a presentation of a Bible to the Speaker.

ENROLLED BILLS AMENDMENTS

SB 335, relative to the department of libraries, arts, and historical resources.

Amendment

Amend the bill by replacing line 7 on page 1 with the following:

201-A:8-a; 201-A:22, I; 201-A:23, II; introductory paragraph of
Adopted.

HB 95, relative to eligibility criteria for AFDC recipients.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect October 1, 1990.

Adopted.

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor.

Amendment

Amend RSA 17-I:2, V as inserted by section 1 of the bill by replacing it with the following:

V. To administer the New Hampshire heritage trust fund established under RSA 17-I:6.

Adopted.

HB 1257, relative to motor vehicle road tolls.

Amendment

Amend RSA 260:52, V as inserted by section 13 of the bill by replacing line 4 with the following:

\$5. It shall be unlawful for any owner or driver to drive or cause to be

Adopted.

**SENATE MESSAGES
CONCURRENCE**

HB 1018-FN, relative to the penalties for bail jumping.

HB 1049-FN, relative to fishing licenses for non-institutionalized developmentally disabled persons.

HB 1100, relative to the time for submitting proposed zoning ordinance amendments to the town clerk.

HB 1208-FN, reducing certain misdemeanors to violations.

HB 1262-FN, relative to recording of ancient plats.

HB 1270-FN, relative to the enforcement of the hazardous waste laws.

HB 1282-FN, relative to licensing of nondepository first mortgage bankers and brokers.

HB 1295-FN-A, appropriating oil overcharge funds.

HB 1316-FN, relative to the uniform reciprocal enforcement of support act.

HB 759-FN, relative to electronic surveillance in drug investigations.

HB 1110, relative to the election of Sullivan and Belknap County commissioners.

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner.

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors.

HB 1240-FN, relative to the purchase and distribution of drugs for the control of infectious diseases.

HB 1360-FN, relative to the regulation of private detectives.

HB 1261-FN, relative to data collection from ambulatory care facilities.

HB 1426, relative to surrogacy.

HB 1299-FN, relative to enhanced sentences for "hate crimes."

HB 1068, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds.

HB 1029, relative to the sale of venison by licensed propagators.

NONCONCURRENCE

HB 1133-FN, relative to the executive secretary of the New Hampshire pharmacy board.

HB 1278-FN, relative to senior assistant attorneys general.

HB 1286, relative to special education.

HB 1346-FN, to restore medical benefits.

HB 1017-FN, relative to vendor check cashing policies.

HB 1140, relative to the selectmen of towns.

HB 1241, relative to the observance of Memorial Day.

HB 220-FN, relative to managing tax supported state debt.

HB 1397-FN, relative to hiring a toxicologist to perform drug testing and making an appropriation therefor.

HB 1383-FN, relative to drug and alcohol education, prevention, and student assistance counseling and referral programs.

HB 266-FN, requiring employers to offer health benefits to part-time employees.

HB 1429, relative to excavation, quarrying and mining.

REFERRED FOR INTERIM STUDY

HB 1387-FN, relative to protecting the quality of surface waters.

HB 1050, relative to "junk fax."

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 373-FN-A, relative to compulsory school attendance and to home education, was removed at the request of Rep. Skinner.

SB 398, relative to the east-west highway study, was removed at the request of Rep. Gross.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor, was removed at the request of Rep. Chase.

SB 391-FN, relative to confidential communications between certain victims and counselors, was removed at the request of Rep. Thomas Gage.

SB 407-FN, relative to the retirement eligibility of the director of the police standards and training council, was removed at the request of Rep. Sytek.

Adopted.

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect. **OUGHT TO PASS.**

This bill extends the fund raising time necessary to receive matching funds. It has no additional fiscal impact on the state, county or local levels. Vote 14-0. Rep. Stanley N. Searles for Children, Youth and Juvenile Justice.

Referred to Appropriations.

SB 327-FN, relative to a state-sponsored credit card program. **INEXPEDIENT TO LEGISLATE.**

The sponsor hoped that citizens of New Hampshire would support a state-sponsored affinity credit card, the proceeds going to education. The sponsor felt the

State Employees Association particularly would be a target population. The State Employees Association already has its own affinity credit card. The market is insufficient and would not be attractive to bidders. Vote 12-2. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

SB 339-FN, relative to licensure of mobile barbershops. **OUGHT TO PASS.**

This bill adds mobile barbershop to RSA 313-A:17, I and II. It also establishes a fee for mobile barbershops. Maine currently has similar legislation, and this bill was patterned on that law. Vote 12-1. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters. **OUGHT TO PASS.**

This bill was requested by the Insurance Commissioner concerning HMOs (Health Maintenance Organizations) to be considered as insurance companies for complying with minimum net worth. The bill prohibits cancellation of auto insurance by cause of others in the same household because of loss of license or registration. Vote 11-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

SB 402-FN-A, reinstating certain positions in the insurance department and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Senate Bill 402 establishes three positions in the New Hampshire Insurance Department, which were inadvertently written out of the budget in 1989. In addition, it upgrades the position of Deputy Commissioner and establishes an unclassified actuary position in the Department. The amendment combines SB 402 with HB 1331, which was passed by the House. Because both bills contained an actuary position, it was felt it would be more appropriate to combine the bills and eliminate the second unnecessary actuary position, thus clarifying the needs of the Department. The Senate Committee to which HB 1331 was referred, is aware of the combination of the two bills and concurs with this approach. Vote 13-0. Rep. Leo W. Fraser for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certain positions in the insurance department
and making appropriations therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Positions. The insurance commissioner is hereby authorized to hire a legal research assistant, a junior examiner, and a word processor operator I.

2 Appropriation. The sums of \$20,595 for the fiscal year ending June 30, 1990, and \$82,383 for the fiscal year ending June 30, 1991, are hereby appropriated to the insurance department for the purposes of section 1. These appropriations are in addition to any other funds appropriated to the insurance department and shall be charged against the commissioner's administration fund established in RSA 400-A:39. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Salary of Deputy Insurance Commissioner. Amend RSA 94:1-a, I, by striking out in Group N the following: Deputy insurance commissioner.

4 Salary of Deputy Insurance Commissioner Increased. Amend RSA 94:1-a, I, by inserting in group P:

I. Deputy insurance commissioner.

II. Actuary, insurance department.

5 Section Heading Amended. Amend the section heading of RSA 400-A:6 to read as follows:

400-A:6 Deputy Commissioner; [Assistant] *Other Department Positions*.

6 New Paragraph; Appointment of Actuary. Amend RSA 400-A:6 by inserting after paragraph III-b the following new paragraph:

III-c. There shall be an actuary, who shall be appointed by the commissioner of insurance. He shall serve at the pleasure of the commissioner during good behavior. The actuary shall perform such duties and exercise such powers of the commissioner, pursuant to RSA title XXXVII, as the commissioner from time to time may authorize.

7 Adding Reference. Amend RSA 400-A:8, I and II to read as follows:

I. Compensation. The salary of the commissioner, deputy commissioner, assistant commissioner, director of examinations, *actuary*, and assistants to the commissioner shall be as prescribed in RSA 94:1-a.

II. Expenses. The commissioner, deputy commissioner, assistant commissioner, director of examinations, *actuary*, and the assistants to the commissioner shall be allowed their traveling expenses while engaged in the performance of their duties.

8 Appropriation. The sums of \$15,000 for the fiscal year ending June 30, 1990, and \$60,000 for the fiscal year ending June 30, 1991, are hereby appropriated to the insurance department for the purposes of sections 3-7. The department shall reimburse the state treasurer for appropriations made pursuant to this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates funds for the insurance commissioner to hire a legal research assistant, a junior examiner, and a word processor operator I, all positions which were abolished in the 1989 operating budget.

This bill increases the salary grade of deputy insurance commissioner from group N to group P.

The bill also creates the position of actuary within the department in group P and appropriates funds for such position to be reimbursed by the department.

SB 403-FN, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables. **OUGHT TO PASS WITH AMENDMENT.**

Senate Bill 403 creates a committee to study the feasibility of establishing a comprehensive risk pool for uninsurables in New Hampshire. The amendment deletes a committee member who appeared twice on the membership list. Vote 16-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Amendment

Amend paragraph VII of section 2 of the bill by deleting it and renumbering paragraphs VIII and IX to read as VII and VIII, respectively.

SB 405-FN, relative to accounting procedures and risk retention of insurance companies. OUGHT TO PASS.

This bill requires New Hampshire insurance companies to follow nationally established accounting procedures. No property or liability company may retain an individual risk greater than 10 percent of the company's capital and surplus. There was no opposition to this bill. Vote 13-0. Rep. Thea G. Braiterman for Commerce, Small Business and Consumer Affairs.

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns. OUGHT TO PASS.

The provisions of SB 305 were unintentionally repealed when SB 178, Chapter 212, Laws of 1989 relative to campaign financing was enacted. This bill reenacts RSA 655:19 so that all filing fees for state representative shall be forwarded to the Treasurer of the city or town for the use of the city or the town. Vote 12-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

SB 316-FN-A, relative to the governor's education improvement program. INEXPEDIENT TO LEGISLATE.

This bill would continue the Governor's Education Initiative Program with a new name, the Governor's Education Improvement Program. The sponsor told the Committee there would be no fiscal impact, but the Executive Director said it would require \$200,000 to continue the program. Vote 14-1. Rep. Kathleen M. Hoelzel for Education.

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority. OUGHT TO PASS.

The University System has found a creative way to finance the construction or renovation of dormitories and to include other revenue-producing facilities through the New Hampshire Higher Educational and Health Facilities Authority. The process not only will save money for the University System, but will reduce the general obligation for state bonding. There is no fiscal impact. Vote 12-0. Rep. Robert H. Guest for Education.

SB 349-FN, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues. INEXPEDIENT TO LEGISLATE.

The Committee feels that the material in this bill is adequately addressed in RSA 197. It appears that this issue was brought forth due to a single local issue. Vote 15-0. Rep. Kathleen M. Hoelzel for Education.

SB 302, relative to the Mount Washington Commission. OUGHT TO PASS.

This bill increases the membership of the Mount Washington Commission from 9 to 11 members. It would include one member of Mount Washington Auto Road, Mount Washington Observatory, Mount Washington TV, Inc., and Mount Washington Cog Railway. In the past, only two of these organizations were represented at any one time. Vote 11-0. Rep. Randall F. Shaw for Executive Departments and Administration.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT.

Effective January 1, 1991, this bill provides a COLA for group II members who retired on or before January 1, 1990. The COLA amount will depend on available

funding in the "special account" as of June 30, 1990, but will not exceed 5 percent. COLAs for retired police and firemen will be determined separately.

The bill also addresses a problem of retirement-system funding by providing that when the funding ratio for any one of the four membership classifications is less than 125 percent, half rather than all of the excess earnings for the classification will go to the special account. The other half will stay in the retirement-system general fund to improve the funding ratio.

The amendment spells out provisions that were not entirely clear when the bill came from the Senate. COLA funding is entirely from the special account in the Retirement System. Vote 13-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing sections 1-4 with the following:

1 Supplemental Allowance; Group II. As of January 1, 1991, all group II beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1990, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of up to 5 percent as provided in section 3 of this act. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

2 Funding of Additional Allowance.

I. For retired permanent policemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the police component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1990.

II. For retired permanent firemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the fire component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1990.

3 Granting of Additional Allowances. The granting of additional allowances provided under section 1 of this act, and the amount of such additional allowances, shall be dependent on the sufficiency of funds in the special account created by RSA 100-A:16, II(h). For the purpose of reaching this determination, the actuary shall look at the fire and police components of the special account separately, as of June 30, 1990. The amount of the additional allowance shall be determined separately for retired members and beneficiaries of each member classification, permanent policemen and permanent firemen, and shall be a multiple of 1/4 percent, not in excess of 5 percent, depending on the amount available in each respective component of the special account, or shall be zero for either or both member classifications if funds in the respective component of the special account are insufficient for a 1/4 percent additional allowance.

4 Funding of Special Account for Additional Benefits. RSA 100-A:16, II(h) is repealed and reenacted to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be subdivided into 4 components representing the 4 retirement system member classifications. Beginning with the fiscal year ending June 30, 1990, the amount credited annually to the special account shall be determined as follows:

(1) The earnings of each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(2) All of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the trustees shall be allocated to the 4 member classifications.

(3) For each member classification for which the funded ratio equals or exceeds 125 percent, the entire amount allocated in subparagraph (2) shall be credited to that component of the special account.

(4) For each member classification for which the funded ratio is less than 125 percent, 1/2 of the amount allocated in subparagraph (2) shall be credited to that component of the special account and the other half shall remain in the general retirement trust fund until the funded ratio for that member classification reaches 125 percent, and any excess shall be credited to that component of the special account.

(5) The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the respective components of the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph.

(6) None of the assets held in the special account, and none of the excess earnings allocated in subparagraph (2) and held in the general retirement trust fund under subparagraph (4), shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d).

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLA's, pursuant to RSA 100-A:41-a, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the retirement system.

AMENDED ANALYSIS

This bill provides a cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired on or before January 1, 1990, effective January 1, 1991, of up to 5 percent. The additional allowance becomes a permanent addition to the beneficiary's base retirement allowance.

Funding for the additional allowance comes from the police and fire components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

The amount of the additional allowance is a multiple of 1/4 percent, not to exceed 5 percent, and depends on the amount available in each component of the special account.

The bill also amends the retirement system special account for funding purposes and for the purpose of dividing the account into 4 components based upon the 4 retirement system member classifications.

Referred to Appropriations.

SB 344-FN, relative to the appointment of the director of water supply and pollution control. **OUGHT TO PASS.**

The bill specifies the academic requirements for the Director of Water Supply and Pollution Control, and requires the Director to hold a valid license and certificate of registration to practice civil, sanitary or environmental engineering issued by the registration board of any state. It is needed to fill a long-standing vacancy. Vote 12-1. Rep. Maurice B. MacDonald for Executive Departments and Administration.

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. **OUGHT TO PASS WITH AMENDMENT.**

This bill provides a 5 percent cost-of-living adjustment to teachers and employees in group I. It also provides a 10 percent COLA for teachers who retired prior to July 1957. Funding of these additional allowances is contingent on sufficient funds being available in the special account. Vote 14-0. Rep. John A. King for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 3 with the following:

3 Funding of Additional Allowance.

I. For retired employee members of group I, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the group I employee member component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1990.

II. For retired teacher members of group I, and for all teachers retired prior to July 1, 1957, the total actuarial cost of providing the additional allowance as provided in sections 1 and 2 of this act shall be funded from the group I teacher member component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1990.

Amend the bill by deleting section 4 and renumbering section 5 to read as section 4.

AMENDED ANALYSIS

This bill provides a 5 percent cost of living adjustment for group I New Hampshire retirement system beneficiaries who retired prior to July 1, 1989, effective July 1, 1990. The additional allowance becomes a permanent part of the beneficiary's retirement allowance, and shall be compounded on any previously granted allowance.

This bill also provides a 10 percent cost of living adjustment for teachers who retired prior to July 1957, effective July 1, 1990.

Funding for the additional allowance comes from the employee and teacher components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

Referred to Appropriations.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

This bill gives members of group II the same right to buy out-of-state service as teachers and employees in group I. Credit for out-of-state service as a regular full-time police officer or firefighter, in a job which requires full certification as a police officer or firefighter under the laws of the out-of-state jurisdiction, may be purchased as group II permanent police officer or permanent firefighter service in the New Hampshire Retirement System. Vote 14-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

I New Section; Credit for Out-of-State Service; Group II. Amend RSA 100-A by inserting after section 4-b the following new section:

100-A:4-c Credit for Out-of-State Service; Group II members.

I. Notwithstanding any provision of RSA 100-A to the contrary, any group II permanent policeman or permanent fireman member of the New Hampshire retirement system, in service on or after June 30, 1990, who was formerly a member of a public employees' retirement system outside of New Hampshire, shall be allowed to purchase credit for such out-of-state service as creditable service in the New Hampshire retirement system under the following conditions:

(a) The member has terminated regular full-time employment and active membership in the out-of-state system and, within 18 months thereafter, has become a member of the New Hampshire retirement system; and

(b) The member applies for out-of-state credit, on a form designated by the board, within 5 years after becoming a member of the New Hampshire retirement system, or before July 1, 1995, whichever is later; and

(c) The member provides such information and certification from the out-of-state employer and out-of-state retirement system as the board may require; and

(d) The member pays to the New Hampshire retirement system the full cost for buy-in of creditable service as provided in RSA 100-A:3, VI(b), plus prepayment of any actuarial calculation fee as determined by the board; and

(e) The amount of creditable service purchased shall be either the full length of service rendered in the other system or a pro-rata portion of such service purchasable with the maximum amount which the member is permitted to withdraw from the other system; and

(f) In no case shall the creditable service purchased exceed the service time rendered in the out-of-state system, or include any service period for which the member remains eligible for benefits in the out-of-state system.

II. Credit for out-of-state service as a regular full-time police officer or firefighter, in a job which requires full certification as a police officer or firefighter under the laws of the out-of-state jurisdiction, may be purchased as group II permanent policeman or permanent fireman service in the New Hampshire retirement system. Credit for all other out-of-state service purchased under the provisions of this section by group II members shall become group I creditable service in the New Hampshire retirement system, and upon retirement, death, or termination of service such members shall be entitled to split benefits as provided in RSA 100-A:19-a through 19-h.

III. Upon certification by the New Hampshire retirement system of eligibility for out-of-state service credit, and upon payment by the member of the cost of such credit, and with the approval of the board of trustees, the member shall receive credit for such out-of-state service.

IV. In no case shall out-of-state service purchased as creditable service in the New Hampshire retirement system under the provisions of this section be deemed to be creditable service for the purposes of eligibility for medical benefits after retirement under the provisions of RSA 100-A:52 through 100-A:55 or RSA 21-I:26 through 21-I:36.

AMENDED ANALYSIS

This bill allows any group II member in service on or after June 30, 1990, who transferred into the New Hampshire retirement system as an active member of another state's public employees' retirement system, to purchase their out-of-state service as creditable service in the New Hampshire retirement system.

Out-of-state service purchased as creditable service in the New Hampshire retirement system shall not be considered as creditable service for the purpose of eligibility for medical benefits after retirement.

Referred to Appropriations.

SB 388, relative to ski patrol personnel qualifications and licensing. OUGHT TO PASS WITH AMENDMENT.

This bill deletes the requirement that ambulance drivers be licensed by the Division of Public Health Services as “drivers” or “driver-attendants” — now termed “emergency medical services providers.” The bill also exempts ski-patrol personnel from licensing requirements for emergency medical services, but requires certification with specific qualifications as listed in the bill. Vote 13-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to providers of emergency medical services and
ski patrol personnel qualifications and licensing.

Amend the bill by replacing all after the enacting clause with the following:

1 License of Ambulances and Ambulance Services. Amend RSA 151-B:11, II to read as follows:

II. A person shall not [operate an ambulance for ambulance purposes on any public way] *provide emergency medical services as a paid or volunteer member of a public or private ambulance or rescue squad unit* in the state without being licensed by the director of public health [as an attendant-driver or driver] *services* under this chapter.

2 Section Heading Change. Amend the section heading of RSA 151-B:13 to read as follows:

151-B:13 Applications for License[, Drivers, Attendants, and Driver-Attendants].

3 Application for Licensure. Amend RSA 151-B:13, I, II and III to read as follows:

I. Any person, firm, partnership, corporation, municipality, volunteer units, or any other business or organization providing ambulance services or rescue squad service shall furnish the director of public health services with a list of all persons [authorized to drive, or act as attendant or driver-attendant of any] *serving as a provider of emergency medical services, either paid or voluntary, with an ambulance or rescue squad unit owned or operated by him.*

II. The director shall provide application forms for licenses under this section. Subject to the approval of the emergency medical service coordinating board, the director shall make reasonable minimum standards of health, performance fitness, education, and moral fitness. He may use the guides established by the American College of Surgeons' Board of Regents as a standard, except that a felony conviction shall not necessarily disqualify [an attendant or driver-attendant] *a person from providing emergency medical services as a paid or volunteer member of a public or private ambulance or rescue service.*

III. Any applicant [seeking] *required to have* a license under this [section] *chapter* [as an attendant or driver-attendant of any] *to provide emergency medical services with an ambulance or rescue squad unit* must be 18 years of age or older. Nothing in this chapter shall be construed to prohibit persons less than 18 years of age from

enrolling in any course necessary for licensing as [an attendant or driver-attendant of] *a provider or emergency medical services with* an ambulance or rescue squad unit.

4 New Paragraph; Ski Patrol Personnel. Amend RSA 151-B:13 by inserting after paragraph VII the following new paragraph:

VIII. For purposes of this chapter, ski patrol personnel, while working at a ski area operating in the state of New Hampshire, shall not be required to obtain a license under this chapter. However, such personnel shall be currently certified under both subparagraph (a) and (b) as:

(a) Qualified by one of the following:

(1) Having completed all requirements and objectives of the Winter Emergency Care (WEC) program;

(2) A department of transportation first responder;

(3) Having completed the advanced first aid and emergency care course in accordance with subparagraph IV(b)(1); or

(4) An emergency medical technician, emergency medical technician-I, or emergency medical technician-P.

(b) Having successfully completed a cardiopulmonary resuscitator course, which shall be either an American Red Cross Professional Rescuer or American Heart Association level C, with appropriate examinations and test. The completion of such a course shall be recognized as valid for 12 months from the date of completion.

5 Fees. Amend RSA 151-B:15, VIII, to read as follows:

VIII. Fees. The director may charge a license fee of not over \$25 for a license for an ambulance or rescue squad service; \$10 for a vehicle license; and \$5 for [a driver or driver-attendant] *an emergency medical services provider* license; provided, however, that no license fee shall be charged any ambulance or rescue squad service operated by a nonprofit corporation or volunteer association that provides a free service, or any [driver or driver-attendant] *provider of emergency medical services* who is not paid any wages or fees for his services. Any [driver or driver-attendant] *provider of emergency medical services* who has his license fee waived under this paragraph who subsequently becomes a paid [driver or driver-attendant] *provider of emergency medical services* shall notify the director of his change in status and shall forward the required license fee within 10 days of such change in status.

6 Rulemaking. Amend RSA 151-B:16, IV to read as follows:

IV. Licensing of [drivers, attendants and driver-attendants] *emergency medical service providers* under RSA 151-B:13.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill exempts ski patrol personnel from licensing requirements for emergency medical services if the personnel meet certain qualifications.

This bill deletes the requirement that drivers and driver-attendants of ambulance services be licensed by the division of public health services, but does require that any emergency medical services provider be licensed.

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share. **OUGHT TO PASS WITH AMENDMENT.**

Some school districts in the state have established job-share policies where two teachers can agree with the district to share a single teaching position on a time-division basis. This bill allows such job-share teachers to be members of the Retirement System, each receiving one-half the service credit for the full position. It also

grandfathers cases where job-share teachers have improperly received full service credit for the job-share period. The amendment makes minor corrections in the grandfather provision. No cost to the state or to the Retirement System funding; there may be some administrative cost. Vote 14-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend RSA 100-A:4, III-a as inserted by section 2 by replacing it with the following:

III-a. Notwithstanding any provision of paragraph III to the contrary, any teacher in service during or after the 1990-91 school year who shares a job-sharing position with another teacher shall be eligible for membership in the retirement system and shall receive credit for 1/2 of the period of job-sharing service at the full rate of pay for the teaching position. In the case of any currently active or retired teacher who shared a job-sharing teaching position with another teacher during any period before July 1, 1990, and who was inappropriately enrolled for retirement purposes and who has received service credit for the full period of such job-sharing service, creditable service rendered through June 30, 1990, shall not be recalculated to conform with the provisions of this paragraph but shall remain in effect as it was granted.

AMENDED ANALYSIS

This bill permits teachers who job share to receive credit for retirement purposes for 1/2 of the period of job-sharing service at the full rate of pay received for the teaching position. The bill applies to teachers teaching during or after the 1990-91 school year and to teachers retired after June 30, 1990.

The bill also states that each currently active teacher who job shares, and each currently retired teacher retired as of June 30, 1990, who shared a job sharing teaching position with another teacher, who was inappropriately enrolled for retirement purposes and received service credit for the full period of job sharing, shall not have his creditable service rendered through June 30, 1990, recalculated by his employer. Such creditable service shall remain in effect as it was granted as of June 30, 1990.

Referred to Appropriations.

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This bill will help local taxpayers in that it establishes a voluntary program under which local school districts and supervisory units would be allowed to apply for federal Medicaid reimbursement and medically-related services provided to educationally handicapped children, services already provided through special education programs under the children's individual educational plans. It also should be noted that these special educational programs already provided by school districts are done in order to meet federal and state requirements for educationally handicapped children. Representatives of the Department of Education and the Division of Mental Health and Developmental Services, after input from local school districts, supported further amendments to the bill which further clarify that these Medicaid funds support the funding of services which school districts already provide and which are also Medicaid fundable. Vote 16-0. Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Medicaid Reimbursement Program. Amend RSA 186-C by inserting after section 22 the following new subdivision:

Medicaid Reimbursement Program

186-C:23 Program Established; Purpose. There is established within the division of mental health and developmental services, department of health and human services, a medicaid reimbursement program for medical assistance for covered services furnished to handicapped children. The purpose of the program is to seek medicaid reimbursement for services provided by local school districts and/or school administrative units to handicapped children which are reimbursable under federal law but which are currently fully funded by such districts or administrative units. The program shall be voluntary and is designed to assist handicapped children by maintaining them in their own homes and communities. This subdivision is intended to provide medicaid funding for services which, in the absence of such funding, nevertheless qualify as special education or related services under this chapter. It is not the intention of this subdivision to increase school district responsibility or liability beyond what is required by other sections of this chapter.

186-C:24 Eligible Services.

I. Services under this subdivision may be provided to handicapped children. Eligible services may include, but shall not be limited to, the following:

- (a) Screening, evaluative and diagnostic services.
- (b) Speech pathology and audiology.
- (c) Occupational and physical therapy.
- (d) Any other service which qualifies as a special education or educationally-related service under RSA 186-C and which also qualifies for reimbursement under medicaid as a covered service.

II. Services provided under this subdivision shall:

- (a) Offer the least restrictive setting for children receiving the services.
- (b) Be provided to children in conformity with any medical criteria necessary for medicaid reimbursement.
- (c) Be in addition to any special education program as defined in the New Hampshire Standards for the Education of Handicapped Student.

186-C:25 Rulemaking.

I. The director, division of mental health and developmental services, after consultation with the commissioner of education and the director of the division for children and youth services, shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) State plans and reimbursement mechanisms necessary for local school districts and/or school administrative units to receive appropriate medicaid reimbursement for eligible services provided under this subdivision.
- (b) Monitoring mechanisms to ensure that services provided under this subdivision meet the requirements of RSA 186-C:24, II. Monitoring responsibilities shall be consistent with the jurisdiction of the different departments.

(c) A financial mechanism by which the federal mandatory matching requirement is met through collection, or other means, of 50 percent of the cost of allowable services from local school districts and/or school administrative units.

II. The director, division of mental health and developmental services, after consultation with the commissioner of education, shall adopt rules, pursuant to RSA 541-A, relative to further defining services eligible for medicaid reimbursement under this subdivision.

186-C:26 Enrolled Providers; Administration and Billing. New Hampshire local school districts and/or school administrative units shall be the enrolled medicaid providers for the purpose of administration and billing.

2 Appropriation. The sum of \$2,727,200 for the biennium ending June 30, 1991, is hereby appropriated from federal funds to the division of mental health and developmental services, department of health and human services, for the purpose of this act. This appropriation is in addition to any other funds appropriated to the division. The governor is authorized to draw his warrant for said sum out of the appropriate funds.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a voluntary medicaid reimbursement program for medically-related services provided to handicapped children by local school districts and school administrative units.

The director of the division of mental health and developmental services is granted rulemaking authority to accomplish the purposes of this bill.

There is an appropriation from federal funds for the purposes of the bill.

Referred to Appropriations.

SB 319, relative to a uniform principal and income act. **OUGHT TO PASS WITH AMENDMENT.**

This bill adopts a uniform principal and income act to regulate the duties of trustees concerning receipts and expenditures.

The bill defines, for trust purposes, which types of receipts are income and which are principal and the types of charges that may be made only against principal and those that may be made only against income. Vote 17-0. Rep. W. Kent Martling for Judiciary.

Amendment

Amend RSA 464-B:13, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Charges not provided for in paragraph I, including the cost of investing and reinvesting principal, the payments on principal of an indebtedness, including a mortgage amortized by periodic payments of principal, expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property or assure the title of any trust property.

SB 374-FN, establishing a study committee to examine probate court reporting requirements. **OUGHT TO PASS WITH AMENDMENT.**

The Committee believes that a study committee is required at this time. The amendment restructures the study committee's membership so that a majority of its members are lay persons. The amendment also allows suggested court rule changes to be included in the final report. Vote 16-0. Rep. Robert A. Lockwood for Judiciary.

Amendment

Amend section 1 of the bill by replacing all after paragraph III with the following:

IV. The director of charitable trusts, department of justice.

V. One attorney from the New Hampshire Bar Association, appointed by the association president.

VI. One representative from either the division of elderly and adult services or from the division of mental health and developmental service of the department of health and human services, appointed by the commissioner of the department of health and human services.

VII. A register of probate, appointed by the supreme court.

VIII. One attorney, appointed by the chief justice of the supreme court.

IX. One bank trust officer, appointed by the New Hampshire Bankers Association.

X. One member of the judicial council, appointed by the chairman of the judicial council.

XI. Three public members, who shall not be attorneys, appointed by the governor.

Amend Section 3 of the bill by replacing paragraph II with the following:

II. The committee shall report its findings and recommendations to the governor, senate president, and speaker of the house and propose legislation, if necessary, for introduction in the 1991 session on or before December 1, 1990.

III. The committee shall report its findings and recommendations to the supreme court and propose court rules or amendments to such rules, if appropriate.

SB 389, relative to non-privileged communications in marital mediation proceedings. **OUGHT TO PASS.**

This bill amends the Law on Privileged Communications in Marital Mediation. If passed, the Marital Mediator could be made to testify under RSA 328-C:9, III(c) if he or she received information "alleging" abuse, rather than "confirming or proving" abuse as the current law now provides. Vote 13-0. Rep. Sandra B. Keans for Judiciary.

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, expands blood testing in DWI accidents to require drivers to submit to blood alcohol tests in cases of severe injury as well as death of a victim. Any person who refuses a test would be liable for a misdemeanor prosecution. Vote 15-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to drug testing of drivers and adult pedestrians involved in
fatal accidents or incurring serious bodily injury.

Amend the bill by replacing section 1 with the following:

1 Blood Testing of Certain Motor Vehicle Fatalities or Serious Bodily Injury. The introductory paragraph of RSA 265:93 is repealed and reenacted to read as follows:

When an accident results in death or serious bodily injury to any person, all drivers and deceased pedestrians involved shall be tested for blood alcohol content. In case of

death or serious bodily injury to any driver, vehicle occupant or pedestrian, a law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician to withdraw blood from the body of the driver, deceased occupant or deceased pedestrian for the purpose of testing blood alcohol content; provided that in the case of a living driver the officer has probable cause to believe that the driver was under the influence of alcohol or a controlled drug when driving the vehicle. Any person who has been arrested for a felony level offense involving driving under the influence of alcohol or controlled drugs who knowingly refuses to submit to the test shall be guilty of a misdemeanor. All tests made under this section shall be conducted by the division of public health services or any other laboratory capable of conducting such tests. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

SB 401-FN. relative to fines imposed for DWI. OUGHT TO PASS WITH AMENDMENT.

The bill does the following: 1. Sets a mandatory minimum fine of \$250 for driving under the influence of alcohol or controlled drugs. 2. Sets a mandatory minimum fine of \$350 for one or more prior convictions for DWI. 3. Sets a mandatory minimum fine of \$1,000 for aggravated DWI. 4. Minimum fines can be reduced or suspended only as a condition of probation or upon the finding that the defendant has satisfactorily demonstrated an inability to pay the minimum fine. 5. The first \$150,000 collected in each fiscal year shall be credited to the Office of Alcohol and Drug Abuse Prevention, for the purpose of funding Alcohol and Drug Abuse Programs. 6. The penalty assessment is reduced to 15 percent. Vote 16-0. Rep. W. Kent Martling for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fines imposed for DWI and to the penalty
assessment on criminal fines.

Amend the bill by replacing sections 1 and 2 with the following:

1 Mandatory Minimum Fine Established; DWI. Amend RSA 265:82-b, I(a) to read as follows:

(a) Notwithstanding the provisions of title LXII, be guilty of a violation and fined **not less than \$250 and** not more than \$1,000; and, if a resident of this state, his driver's license or driving privilege or, if he is a nonresident, his privilege as an out of state driver to drive on any ways of this state shall be revoked for a period of not less than 90 days; and, in either situation, at the discretion of the court, such revocation of a license or resident or nonresident driving privilege may be extended for a period not to exceed 2 years;

2 Mandatory Minimum Fine Established; DWI; Second or Subsequent Offense. Amend RSA 265:82-b, I(b)(1) to read as follows:

(b)(1) Upon conviction based upon a complaint which alleged that the person has had one or more prior convictions in this state or another state and were within the 7 years preceding the date of the second or subsequent offense, be guilty of a misdemeanor and shall be sentenced upon conviction or at the end of the defendant's ap-

peals period to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24 hour periods shall be served in the county house of corrections and 7 consecutive 24 hour periods shall be served at the state operated multiple DWI offender intervention detention center within 21 days after conviction or at the end of the defendant's appeals period. In addition, the defendant shall be fined not *less than \$350 and not* more than \$1,000 which shall be paid to the clerk of court. In such circumstances where the multiple DWI offender intervention detention center has no available space, he shall be assigned the first available space.

Amend the bill by replacing section 4 with the following:

4 Minimum Fine Suspended. Amend RSA 265:82-b, III to read as follows:

III. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation [and no portion of any fine] imposed under this section shall be suspended or reduced by the court. *No portion of any mandatory minimum fine imposed under this section shall be suspended or reduced by the court, except as a condition of probation or upon a finding by the court that the defendant has satisfactorily demonstrated his inability to pay the minimum fine.* No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by title LXII or any other provision of law.

5 New Paragraph; Prevention Programs Funded. Amend RSA 265:82-b by inserting after paragraph IV the following new paragraph:

V. Fines collected pursuant to this section shall be distributed in the following manner: the first \$150,000 collected in each fiscal year shall be credited to the office of alcohol and drug abuse prevention, department of health and human services, for the purpose of funding alcohol and drug abuse education programs in New Hampshire. Moneys collected in excess of \$150,000 in each fiscal year shall be credited to the general fund.

6 Penalty Assessment Reduced. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [20] **15** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be divided into the following components, to be designated as follows: [15] **10** percent for the police standards and training council training fund and 2 percent for the victims' assistance fund. The remaining 3 percent shall be collected by the clerk of the court for the benefit of the court modernization fund established under RSA 502-A:37.

7 New Subparagraph; Moneys Distributed to Office of Alcohol and Drug Abuse Prevention and Department of Safety. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) All moneys received from the department of safety which are derived from fines collected pursuant to RSA 265:82-b, which shall be distributed in accordance with RSA 265:82-b, V.

8 Repeal. 1990, 3:70, relative to the penalty assessment, is repealed.

9 Effective Date.

I. Sections 6 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill sets a mandatory minimum for the fine imposed for driving under the influence of alcohol or a controlled drug at \$250 and for a second or subsequent such offense at \$350. Current law sets no such mandatory minimum, but requires that an offender be fined no more than \$1,000 for each such offense.

The bill also increases the mandatory minimum of the fine imposed for aggravated DWI from \$350 to \$500. The maximum fine of \$1,000 for aggravated DWI remains the same.

The bill also increases the mandatory minimum of the fine imposed for aggravated DWI, in which the offender is involved in a motor vehicle accident resulting in serious bodily injury, from \$500 to \$1,000. The maximum fine of \$2,000 for such an aggravated DWI offense remains the same.

The bill also requires that the first \$150,000 in fines in each fiscal year collected by the courts for DWI offenses be credited to the office of alcohol and drug abuse prevention, department of health and human services, for the purpose of funding alcohol and drug abuse education programs in New Hampshire.

The bill also reduces the penalty assessment imposed on persons paying criminal fines from 20 percent to 15 percent, effective until 1994. (The penalty assessment had been increased pursuant to 1990, 3:69.) The bill also repeals 1990, 3:70, which, because it changed a pending amendment to the penalty assessment law which is effective July 1, 1994, would have increased the penalty assessment from 10 to 15 percent.

Referred to Appropriations.

SB 370-FN, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant. **OUGHT TO PASS WITH AMENDMENT.**

Senate Bill 370 deals with the acceptance of Class VI highways by the town meeting under a proper article in the town warrant. The amendment provides protection for the towns if a Class VI highway is reclassified by allowing betterment assessment on the owners of land on the reopened highway and allows time for improvements to be in place prior to official opening of said highway to traffic. The sponsor of the bill concurs with the amendment. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend RSA 231:22-a as inserted by section 1 of the bill by replacing all after paragraph I with the following:

II. The warrant article for such a reclassification may be inserted either by the selectmen pursuant to RSA 39:2, or by petition pursuant to RSA 39:3. The reclassification shall become effective upon a majority vote of the registered voters present and voting at any annual or special meeting, or at such later time as may be specified by vote of the meeting.

III. Any class VI highway may be made subject to reclassification under this section, regardless of whether such class VI status resulted from a layout pursuant to RSA 231:21, a discontinuance subject to gates and bars pursuant to RSA 231:45, or

by the failure of the town to maintain and repair such highway in suitable condition for travel thereon for 5 successive years or more as set forth in RSA 229:5, VII.

IV. A town meeting vote to reclassify a class VI highway under this section may provide that the highway be conditionally reclassified upon compliance with betterment assessments, as provided in RSA 231:28-33, even if such condition was not stated as part of the warrant article. The public hearing required by RSA 231:28 shall be held within 90 days of such a vote, or within such longer period as the vote may specify. The owners of property abutting or served by the highway shall have the same rights and remedies as provided in RSA 231:28-33, including the right to submit, within 10 days following the public hearing, a petition not to conditionally reclassify the highway. The costs assessed against the owners by the selectmen shall not reflect construction standards any higher or more stringent than those reflected in the best town highway giving access to the highway or portion thereof being reclassified. However, this paragraph shall not be deemed to limit the authority of the planning board to impose more stringent construction standards as a condition of approving new development.

V. This section shall not be deemed to limit the authority of the selectmen to lay out an existing class VI highway as a class IV or V highway upon petition pursuant to RSA 231:8. This section shall not affect the classification of any highway which has been reclassified by other means prior to the effective date of this section.

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Purchase of the Nashua Courthouse represents sound fiscal policy and a good deal for the state and the city of Nashua. The Committee amendment provides for 15-year bonding, which will save almost \$300,000 in interest, and for the measure to take effect upon passage. The purchase price is 1.3 million dollars. Vote 14-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the bill by replacing section 2 with the following:

2 Bonding Authorization. To provide funds for the purposes of section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$1,300,000, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided that such bonds shall be 15 year bonds.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor. **OUGHT TO PASS.**

This bill increases an appropriation for the reconstruction and construction of a 4-way intersection at New Hampshire Routes 9 and 155 in Dover. Bonding not to exceed \$2,200,000 is provided. The hearing provided information that this project is a priority. Vote 13-0. Rep. Rowland Schmidtchen for Public Works.

Referred to Appropriations.

SB 392-FN, relative to the Spaulding Turnpike. **OUGHT TO PASS.**

The Committee listened to favorable testimony regarding SB 392 which amends the 10-year plan relative to the Spaulding Turnpike; authorizes an expansion study from 2

to 4 lanes from the intersection of Route 125, north to the intersection of Route 11 and the Spaulding Turnpike. This study will pave the way for much needed improvements along the turnpike. Vote 13-0. Rep. Gene G. Chandler for Public Works.

Referred to Appropriations.

SB 309-FN-A, establishing a New Hampshire Heritage Trail. OUGHT TO PASS WITH AMENDMENT.

The concept of the New Hampshire Heritage Trail has evolved into a truly outstanding program. Though still in its infancy, it is already being considered a national model. When completed, it will offer residents and tourists a unique opportunity to follow our rivers from one end of the state to the other, gaining insight into New Hampshire's heritage at stops along the way. Even more unique is the patchwork of easements on private land, community projects, and citizen efforts that are coming together to make it all happen. In fact, 18 communities including three of the state's largest cities, are already participating in early development of the trail. The state's role in large measure is one of leadership, education, and coordination. Some trail segments will be built (22 miles have already been built) by the New Hampshire Conservation Corps, an exceptionally fine and proven program for helping young people "at risk." The Committee enthusiastically supports this program. The original appropriation request of \$50,000 was reduced to \$25,000 in the Senate. Vote 14-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the bill by replacing section 1 with the following:

1 Purpose. RSA 216-A:8, II is repealed and reenacted to read as follows:

II. The general court finds that because of the impact of a steadily growing population, the continuing development of land for residential, commercial and other purposes, and the loss of shorelands for various purposes, fewer opportunities exist for the citizens of New Hampshire and visitors from other states to enjoy recreational walking in natural areas in this state. Therefore, to fill a major gap in the state's existing trail system it shall be the policy of the state of New Hampshire to create, foster, maintain and promote a recreational walking trail generally following the Connecticut, Pemigewasset, and Merrimack rivers from the Canadian border to the Massachusetts border.

III. If in the judgment of the advisory committee established in RSA 216-A:16, temporary segments, alternate segments, and feeder segments of trail are identified that would enhance the development of the New Hampshire Heritage Trail, such segments shall be eligible for participation in all of the provisions of this subdivision.

Amend the bill by replacing all after section 2 with the following:

3 New Sections; Acquisition of Rights; Liability Insurance. Amend RSA 216-A by inserting after section 12 the following new sections:

216-A:13 Acquisition of Rights To Use of Land. Where the proposed trail route passes through land owned by the federal government, or by a unit of county or municipal government, the state shall secure permission to construct a trail through such property. Where the land is owned by a private landowner, the state may acquire by purchase or gift or negotiate an easement from the landowner for the purpose of protecting or developing the New Hampshire Heritage Trail.

216-A:14 Liability Insurance. The department shall provide a liability insurance policy to provide protection to private landowners whose property is under agreement

for use as part of the New Hampshire Heritage Trail by easement, lease or other legal means.

216-A:15 Expenditure of Funds. No expenditure shall be made from state appropriations without having been matched, on a project by project basis, with non-state appropriated dollars or in-kind services in an amount approved by the advisory committee.

216-A:16 Advisory Committee.

I. There is established an advisory committee to advise the department of resources and economic development on the development of the trail.

II. The committee shall consist of the following:

(a) Representatives of the following organizations, appointed by the governor:

- (1) Merrimack River Watershed Commission.
- (2) Pemigewasset River Council.
- (3) Connecticut River Valley Resource Commission.
- (4) Society for the Protection of N.H. Forests.
- (5) Nashua Regional Planning Commission.
- (6) N.H. Association of Conservation Commissions.
- (7) North Country Council.
- (8) Lakes Region Planning Commission.
- (9) Southern Regional Planning Commission.
- (10) Central Regional Planning Commission.

(11) Three at large members representing affected communities, one of whom shall be a community parks director.

(12) Appalachian Mountain Club.

(b) One member of the house of representatives, appointed by the speaker.

(c) One member of the senate, appointed by the president of the Senate.

III. The governor shall select a chairperson from the above 15 members.

IV. In addition, the following departments and agencies shall each designate one non-voting member to the committee:

- (a) Department of resources and economic development.
- (b) Fish and game department.
- (c) Division for children and youth services.
- (d) Division of historical resources.
- (e) Department of agriculture.
- (f) Office of state planning.
- (g) Department of transportation.
- (h) Division of water resources.

V. Meetings shall be at the call of the chairperson.

216-A:17 Cooperation With Other Agencies. The department of resources and economic development shall work in cooperation with other municipal, state and federal agencies, including, but not limited to, the land conservation investment program, established by RSA 221-A, and other private organizations, in order to carry out its duties. Such agencies and organizations shall assist the department to assure that all existing state owned or leased lands within the trail corridor are reviewed for use in the development of the New Hampshire Heritage Trail.

216-A:18 Applicability of Other Statutes. All provisions of RSA 216-F, multi-use statewide trail system, shall be applicable to the department for the purposes of carrying out this act.

4 Appropriation. There is appropriated the sum of \$25,000 to the department of resources and economic development for the fiscal year ending June 30, 1990, to be used for planning, construction, maintenance and other costs associated in carrying out the responsibilities of this chapter. This sum shall be nonlapsing and shall be in addition to any other appropriation made to the department. The governor is authorized to draw his warrant for said sum out of any money in the treasury otherwise not appropriated.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill designates the trail being established by the conservation corps from the Canadian border to the Massachusetts border as the Heritage Trail.

A 16-member advisory committee is to advise the department of resources and economic development on trail development. Members of various state agencies and departments shall be non-voting members of the committee.

An appropriation is requested.

Referred to Appropriations.

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies. **OUGHT TO PASS.**

This bill gives the Public Utilities Commission authority over the acquisitions by public utility holding companies of the stocks or bonds of other public utilities to insure such acquisitions are legal and in the public interest. Vote 10-0. Rep. Susan N. Harlan for Science, Technology and Energy.

SB 301-FN, relative to licensing commercial vehicle drivers. **OUGHT TO PASS WITH AMENDMENT.**

This bill permits a person who is learning to drive a commercial vehicle to drive such vehicle if he is at least 18 years of age and has a valid non-commercial driver's license and has been issued a commercial driver learner's permit. Also, it permits the Department of Safety to use nolo contendere pleas for calculating demerit points assessed for motor vehicle offenses. Vote 16-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to licensing commercial vehicle drivers and to the demerit point system used to revoke or suspend certain drivers' licenses.

Amend the bill by replacing section 3 with the following:

3 Cross-Reference. Amend RSA 263:86, I to read as follows:

I. Except *as provided in RSA 263:25, II* or when driving with a commercial driver learner permit and accompanied by the holder of a commercial driver license valid for the vehicle being driven, no person shall drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver license valid for the vehicle being driven. For the purpose of making the transition from the previous driver license classification system to the commercial driver license system established in this subdivision, a person may drive a vehicle while in possession of a valid, unexpired driver's license; provided that on or after April 1, 1992, or such

other date as may be established by the federal government, no person shall drive a commercial motor vehicle unless he has a commercial driver license as required by this subdivision.

4 New Paragraph; Nolo Plea Included in Point System. Amend RSA 263:56 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding RSA 605:6 or any other provision of law to the contrary, any conviction for an offense which is used as a basis for suspension or revocation of a license under this section and which involves a plea of nolo contendere shall be treated in the same manner as a conviction which involves a guilty plea for the purpose of assessing demerit points under paragraph II.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits a person who is learning to drive a commercial motor vehicle to drive such vehicle if he is at least 18 years of age and he either (1) has a valid noncommercial driver's license or (2) has successfully completed an eye screening and the knowledge and sign symbol tests for a noncommercial driver's license and has been issued a commercial driver learner permit.

The bill also permits the director of motor vehicles to use, in the calculation of demerit points assessed for motor vehicle offense convictions which is made for the purpose of identifying habitually reckless or negligent drivers, those motor vehicle offenses to which a driver has entered a plea of nolo contendere.

SB 354-FN, relative to temporary emergency motor vehicle registration. **OUGHT TO PASS WITH AMENDMENT.**

This bill permits a person unable to register his motor vehicle with a town clerk due to the limited hours of the clerk's office to obtain a 20-day registration upon payment of a \$10 fee to the Division of Motor Vehicles or a substation. The amendment defines the established place of business for wholesale motor vehicle dealers. Vote 13-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to temporary emergency motor vehicle registration and the place of business of wholesale motor vehicle dealers.

Amend the bill by replacing all after the enacting clause with the following:

1 Emergency Temporary Registration. Amend RSA 261:57 to read as follows:

261:57 Twenty-Day Registration. Any resident of this state who intends to purchase a vehicle in another state or from another person or *who is unable to register a vehicle because of limited hours of operation of the town clerk in the town where the person resides* may apply to the division or its substation or authorized agent nearest his residence for a registration to drive said vehicle on the ways of the state in an unregistered condition. Said resident shall appear in person at the division or substation to obtain such registration and shall sign under penalty of perjury a statement that the vehicle meets all New Hampshire inspection requirements, *and in the case of a person seeking an extension of his registration, that he was unable to register the vehicle because of the limited hours of the town clerk*, before said registration may be issued. Said registration shall be valid for 20 days from the time it is issued. Application blanks and permits in the form prescribed by the director shall be

designed, printed, and supplied to the substations by the division. The fee for the issuance of a registration shall be \$10. It shall be unlawful for any person to drive a vehicle on the ways of the state under a registration issued pursuant to this section unless said person has in his possession a valid bill of sale for the vehicle he is driving, dated the same day or one day after the registration is issued, *or in the case of a person whose registration is extended, a copy of the form indicating he was unable to register because of the limited hours of the town clerk*. No person shall make application for a 20-day registration on the same vehicle more than once within a 12-month period. Only one 20-day registration shall be issued during any one calendar year for a vehicle.

2 Established Place of Business; Wholesale Motor Vehicle Dealers. RSA 259:29-a is repealed and reenacted to read as follows:

259:29-a Established Place of Business. "Established place of business" shall mean:

I. Except where otherwise provided, a permanent, enclosed commercial building located within this state, easily accessible and open to the public at all reasonable times, and at which the business of a dealer may be lawfully carried on in accordance with the terms of all applicable building codes, zoning, and other land use regulatory ordinances.

II. As it applies to a wholesale dealer as described in RSA 261:140-a, a building or structure that complies with RSA 259:29-a or a suitable building or structure which is occupied as a business office or a residence, owned or leased by the applicant and designated as an office or place where his official business is conducted, where legal mail is received and where records pertaining to the business are maintained as required by the commissioner.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits a person unable to register his motor vehicle with a town clerk due to the limited hours of the clerk's office to obtain a 20-day registration upon payment of a \$10 fee to the division of motor vehicles or a substation.

The bill defines the established place of business for wholesale motor vehicle dealers.

REGULAR CALENDAR

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions. OUGHT TO PASS WITH AMENDMENT.

As originally introduced, this bill proposed a simple name change to reflect a change in federal law. That provision remains as Section 1 and is a matter of routine adjustment. The remainder of the bill deals with independent supervision by the New Hampshire Bank Commissioner, issues related to interstate banking and a time adjustment relative to the recording of foreclosure deeds.

Section 2 removes a provision of law by which supervisory actions of the New Hampshire Bank Commissioner require the concurrence of federal agencies. The Committee found that the New Hampshire Bank Commissioner should be able to supervise New Hampshire bank activities without requiring the concurrence of federal authorities. Even though federal agencies normally are kept advised, their supervisory objectives can differ from those of our state's Banking Commissioner. Each regulator should be allowed to operate independently in the best interests of New Hampshire depositors and consumers.

Sections 3 through 12 contain wording changes, all of which accomplish the same thing — permitting interstate banking on a nationwide basis. Now interstate banking is permitted only with other New England states. The Committee found that the Bank Commissioner's request for this change was justified in light of the strained capital positions of some New Hampshire banks, a shortage of lendable funds generally in this state, and the Bank Commissioner's need for more flexibility in dealing with institutions which could need capital support. In this economy, interstate affiliations can protect New Hampshire depositors and provide funding for more lending. Since New Hampshire's economic situation is reflected in other New England states, there is a true need for broader sources of imported capital. National interstate banking, already enacted in Vermont, Maine and Rhode Island, is not a panacea, but it can be a help in situations where capital from outside New England is needed or consolidations are required.

There was no significant opposition to the interstate part of the bill. It was supported by the New Hampshire Bankers Association and even by certain community bankers who opposed another part. It is needed by the Bank Commissioner, our state's banking system and our state's economy, and could serve to support New Hampshire banks in circumstances where such support is needed.

Sections 13 through 15 deal with the existing 15 percent limit of total New Hampshire deposits held by any New Hampshire bank. This limit, which could stand in the way of consolidations needed in today's economic climate, was raised to 20 percent. The Bank Commissioner is also empowered to waive this limit in any situation where a federal agency could also do so. This provides him with the flexibility and the authority needed to protect New Hampshire bank depositors and our state's banking system in a difficult economic climate. The Committee however, felt that the Bank Commissioner's waiver should have an in-state "check and balance" and amended the bill to require the Attorney General's concurrence. This will prevent any over-concentration feared by opponents and will ensure compliance with existing state and federal laws now in place which protect against over-concentration. These provisions may not be waived and are still in place at the state and federal levels.

The unanimous vote of the Committee in support of the Bank Commissioner's request for these changes demonstrates, as much as anything, that this bill is not only worthy of support, but is urgently needed by the Bank Commissioner and by our state's banking system now, if New Hampshire banks are to remain strong in today's economy.

Section 16 allows consumers who purchase property at foreclosure sales more time to complete the transaction. With so many sales now occurring, more time is needed. The time of 30 days is doubled to 60 days. Vote 14-0. Rep. Leo W. Fraser for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 384-B:8 as inserted by section 15 of the bill by replacing it with the following:

384-B:8 Waiver of Deposit Limitation. In any transaction involving the merger, consolidation or acquisition of any bank, banks, or bank holding company, whenever one or more of such banks or bank holding companies is in such condition that the Federal Deposit Insurance Corporation or any other federal agency having supervisory authority over banks or bank holding companies in New Hampshire could take action which would result in a merger, acquisition, consolidation or other similar

structural change, and in the absence of such federal action such a change would be prevented by the provisions of RSA 384-B:2 or RSA 384-B:3, the bank commissioner with the concurrence of the attorney general may waive the 20 percent dollar volume of total deposit limitation in RSA 384-B:2 and RSA 384-B:3. Any such waiver shall be binding upon the board in any proceeding involving the merger, consolidation or acquisition of such bank, banks, or bank holding company.

Amendment adopted.

Ordered to third reading.

SB 306, extending the reporting date for the committee to study corporal punishment and the licensing and regulation of private kindergartens and nursery schools in the state. **INEXPEDIENT TO LEGISLATE.**

In 1989, both the Committee and the House voted down the formation of this study committee. Later in the 1989 session, this study committee appeared in a Committee of Conference Report that was accepted and became law without consulting the Education Committee.

This session the majority of the Committee again voted this study committee Inexpedient to Legislate because (1) the membership of the committee is no different from the legislation that was voted down last year, and (2) it does not agree with the process which was followed last year in allowing that legislation to become law. The Committee believes that the Committee to Examine the Issue of Corporal Punishment and the Licensing and Regulation of Private Kindergartens and Nursery Schools in the State (HB 262, Chapter 395:6, Laws of 1989) has had sufficient time to write its report. Vote 11-4. Rep. Dennis R. Bolduc for Education.

Resolution adopted.

SB 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, makes changes in Workers' Compensation accidental-death benefits and medical benefits in the case of a group II member who dies in the performance of duty. It also puts a cap on medical benefits which the State Retirement System pays for group II members. Additionally, the bill allows an 8 percent increase every year. The problem was caused by the major increase in rates under the State's contract with Blue Cross and Blue Shield last July. Vote 13-1. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Amendment

Amend the bill by replacing sections 2 and 3 with the following:

2 New Subparagraph; Payment of Medical Benefits to Children and Spouses. Amend RSA 100-A:52, I by inserting after subparagraph (d) the following new subparagraph:

(e) The surviving spouse and children of a deceased group II member who dies as the natural and proximate result of injuries suffered while in the performance of duty, provided that:

(1) Any such child shall be qualified under this subparagraph only if under 18 years of age, or under 23 years of age if attending school on a full-time basis; and

(2) Such surviving spouse shall cease to be qualified upon the remarriage of the surviving spouse; and

(3) No surviving spouse or child shall be qualified or continue to be qualified under this subparagraph while receiving or eligible to receive medical insurance or health care benefits from any employer-sponsored plan.

3 Medical Benefits for Group II; Limiting Payments by the Retirement System. RSA 100-A:52, II and III are repealed and reenacted to read as follows:

II. However, for the fiscal year beginning July 1, 1990, the maximum amount payable by the retirement system under this subdivision on account of each person qualified under paragraph I who is not entitled to medicare benefits, shall be \$101.50 per month, and on account of each person qualified under paragraph I who is entitled to medicare benefits, shall be \$64 per month. As of July 1, 1991, and on each July 1 thereafter, the maximum amount payable by the retirement system as provided in this paragraph shall be increased by 8 percent, compounded on previous increases.

III. In the case of group II members retired from state employment and their beneficiaries who are eligible for coverage under this subdivision and also under the provisions of RSA 21-I:26-36, the amount payable by the retirement system on account of such persons shall be paid over to the state and used to pay for all or part of the medical benefits provided under RSA 21-I:26-36 for such persons, and the balance shall be paid by the state as provided in RSA 21-I:26-36.

Amend the bill by replacing section 5 with the following:

5 Medical Insurance Premium Rates; Determining Medical Insurance Premiums. Amend RSA 100-A:50, I, to read as follows:

I. Every political subdivision of the state that provides for its active employees any group medical insurance or group health care plan, including but not limited to hospitalization, hospital medical care, surgical care, dental care, or other group medical or health care plan, shall permit its employees upon retirement to continue to participate in the same medical insurance or health care group or plan as its active employees. *Retired employees shall be deemed to be part of the same group as active employees of the same employer for purposes of determining medical insurance premiums.* Coverage for spouses, other family members and beneficiaries of retirees shall also be permitted to the extent that coverage is provided for the spouses, other family members and beneficiaries of active employees. Present retirees not covered shall be permitted to rejoin the active employee health insurance or health care group. Persons retired prior to July 1, 1988, shall be given the opportunity to rejoin the group during a 2-year period, beginning on July 1, 1989, and ending on July 1, 1991. Such persons shall continue to participate in the same coverage as active employees without any benefit waiting period.

6 New Paragraph; Other Medical Insurance. Amend RSA 100-A:52 by inserting after paragraph VII the following new paragraph:

VIII. Any person who is eligible to receive group insurance or other medical benefits under the provisions of this section, but who does not need and who declines such benefits because they would be duplicative of coverage under any employer-sponsored plan, shall nevertheless continue to be eligible and, upon ceasing to be eligible for the other coverage, shall be permitted to receive the benefits allowable under this section without any waiting period.

7 Effective Date.

I. Sections 1, 2, and 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

The bill provides that the offset provisions for workers' compensation, accidental death benefits under RSA 100-A:8 shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty.

The bill also adds eligibility requirements for medical coverage for group II members who have other medical insurance.

The bill adds, upon meeting specified requirements, certain children and surviving spouses of deceased group II members to the list of individuals eligible to receive medical benefits from the New Hampshire retirement system.

Beginning on July 1, 1990, the bill also limits the level of medical benefits which the New Hampshire retirement system shall pay for group II members. Beginning on July 1, 1990, the maximum amount payable by the retirement system for each person qualified to receive medical benefits who is not entitled to medicare benefits, shall be \$101.50 per month, and for each person qualified to receive medical benefits who is entitled to medicare benefits, the maximum amount payable shall be \$64 per month. As of July 1, 1991, and on each July 1 thereafter, the maximum amount payable by the retirement system shall be increased by 8 percent, compounded on previous increases.

Amendment adopted.

Referred to Appropriations.

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, provides additional disciplinary action for violations by the Board of Barbering, Cosmetology and Esthetics. In addition, it provides a \$14,000 appropriation for sending out license renewal notices; and it also changes the time of license renewal from June 30 to the birth month of the licensee. Vote 12-1. Rep. Maurice E. Goulet for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to disciplinary actions against and expiration and renewal of licenses
for licensees of the barbering, cosmetology, and esthetics board and
making an appropriation for sending out license renewal notices.

Amend the bill by replacing all after section 1 with the following:

2 Expiration and Renewal of Licenses. Amend RSA 313-A:18 to read as follows:

313-A:18 Expiration and Renewal of Licenses. Each barber, barber instructor, apprentice, barbershop, or barber school license issued under this chapter shall expire on June 30 in the odd year next succeeding its date of issuance. Each esthetician, esthetics instructor, esthetics school, esthetics salon, cosmetologist, manicurist, cosmetology instructor, apprentice, beauty salon, manicuring salon, or cosmetology school license issued under this chapter shall expire on [June 30] *the birthday of the license* in the even year next succeeding its date of issuance. Any license which has expired may be renewed at any time during the year next following upon payment of the renewal fee established by the board and an additional fee of \$5, and at any time during the next succeeding year period upon the payment of the renewal fee and an additional fee of \$10. If the holder of any license fails to renew the same within 2

years after its expiration, he may renew the same within 5 years after expiration by paying the same fee required for an original license.

3 Appropriation. The sum of \$14,000, for the biennium ending June 30, 1991, is hereby appropriated to the board of barbering, cosmetology, and esthetics for the purpose of sending out license renewal notices. This appropriation is in addition to any other funds appropriated to the board. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the cosmetology board to impose additional disciplinary penalties for violation of the barbering, cosmetology, and esthetics law.

The bill also changes the expiration date of certain cosmetology and esthetics licenses from June 30 in each even year to the birthday of the licensee in each even year.

The bill also appropriates funds to the board for the purpose of sending out license renewal notices.

Amendment adopted.

Referred to Appropriations.

SB 320-FN, relative to court-ordered commitments. **OUGHT TO PASS WITH AMENDMENT.**

This bill, as amended, allows a court which has determined that a person is not competent to stand trial to order that person held for a reasonable period (not more than 90 days) for a mental health evaluation. Also it allows petitions to suspend state prison sentences to be brought more often than every two years upon recommendation of the Commissioner of Corrections. Vote 17-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to court-ordered commitments and to suspended sentences.

Amend RSA 135:17-a, I as inserted by section 1 of the bill by replacing it with the following:

I. After a determination by the superior or district court that a person is not competent to stand trial, the court may order the person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for appropriateness for involuntary admission into the state mental health services system, including the secure psychiatric unit, and to commence civil proceedings, if appropriate.

Amend the bill by replacing section 3 with the following:

3 Petition to Suspend Sentence. Amend RSA 651:20 to read as follows:

651:20 Incarceration Under Suspended Sentence. Notwithstanding any other provisions of law, the sentence to imprisonment of any person may be suspended, at the time of sentence unless otherwise ordered by the court, or at any time while any part of the sentence remains unserved, but a petition to suspend sentence may not be brought less than 2 years after commencement of said sentence nor more frequently than every 2 years thereafter. *However, a petition to suspend the sentence of a state*

prison inmate may be brought at any time upon the recommendation of the commissioner, department of corrections, or designee. [He] A person whose sentence has been suspended may be required to report to the institution to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct, except that weekend sentence provisions do not apply to the New Hampshire state prison. Time so spent in said institution shall be deducted from the maximum term, and where there are both a minimum and maximum term, from both. Any part of a day spent in the institution shall count as a full day toward the sentence.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes a court which has determined that a person is not competent to stand trial to order such person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for appropriateness of involuntary admission into the state mental health services system.

The bill also permits a petition to suspend sentence of imprisonment of a state prison inmate to be filed at any time upon recommendation of the commissioner of corrections. Current law provides that a petition to suspend imprisonment may not be brought less than 2 years after commencement of the sentence nor more frequently than every 2 years thereafter.

Amendment adopted.

Ordered to third reading.

SB 352-FN, relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants. REFER FOR INTERIM STUDY.

The Committee was in favor of the intent of this bill. However, there were sections that needed clarification. A group of judges will be studying this matter and will confer and make recommendations to the Committee at a later date. Vote 15-1. Rep. W. Kent Martling for Judiciary.

Report adopted.

SB 396-FN, relative to drivers' license suspensions for drug offenses. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

MAJORITY: The Committee feels that there is no correlation between the offense and the penalty in SB 396. Although we all share frustration in dealing with the drug problem carefully-thoughtout solutions are needed instead of knee-jerk reactions. Vote 13-4. Rep. Daniel A. Eaton for the Majority of Judiciary.

MINORITY: The minority of the Committee believes that the bill, as amended, should pass. The amendment would give the courts the discretion as to whether or not the driver's license should be revoked or denied. This would be a helpful tool which the courts could use to combat drug use, without necessarily sending a person to jail. The amendment also would increase the period of loss of license for driving while in possession of drugs, from between 60 days to two years, to not less than one year and not more than five years. Sections 4 and 5 would add two or more convictions of DWI and aggravated DWI to the Habitual Offender list. Reps. Shawn N. Jasper, Thomas U. Gage and Alice B. Record for the Minority of Judiciary.

Rep. Jasper moved that the report of the minority, Ought to Pass with Amendment, be substituted for the report of the majority, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Moore spoke against the motion.

Reps. Record and Spencer spoke in favor of the motion and yielded to questions.

Rep. Thomas Gage yielded to questions.

Rep. Daniel Eaton spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 99

NAYS 228

YEAS 99 BELKNAP

Bolduc, Dennis R.
Locke, Matthew J.
Vogler, Charles C.

Golden, Paul A.
Richardson, Lawrence

Hardy, Earle D.
Rosen, Ralph J.

CARROLL

Allard, Nanci A.
Wiggin, Allen R.

Daly, Robert J., Jr.

Foster, Robert W.

CHESHIRE

Cole, Stacey W.
Metzger, Katherine H.
Pierce, David A.

Grodin, Richard A.
Morse, Jo-Ann T.

Laurent, John J.
Pearson, Gertrude B.

COOS

Dumont, Robert E.
Lemire, George

Guay, Lawrence J.
Marsh, Beaton

Horton, Lynn C.
Theriault, Romeo J.

GRAFTON

Brown, Channing T.
Rose, William B.

Dow, David
Townsend, Howard C.

Hill, Richard L.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Dionne, Paul R.
Frank, Nancy G.
Hultgren, David D.
Kelley, Robert N.
Kurk, Neal M.
Mason, Howard F.
Perham, Lester R.
Riley, Frances L.
Vanderlosk, Stanley R.
Young, Willard N.

Bicknell, Robert C.
Domaingue, Jacquelyn
Green, Scott E.
Jasper, Shawn N.
Knight, Alice Tirrell
Lawrence, Eva M.
Ouellette, Robert O.
Provost, Gilles R.
Searles, Stanley N., Sr.
Wheeler, David K.

Daigle, Robert Arthur
Foote, Herbert N., Sr.
Harlan, Susan N.
Keefe, Edmund M.
Kress, Gloria W.
Lawrence, Norman B.
Paquette, Rodolphe G.
Record, Alice Barnard
Stiles, Walter A.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Shaw, Randall F.

Daneault, Gabriel
West, George M.

Hill, Michael

ROCKINGHAM

Benton, Richardson D.
Chase, Lawrence A., Jr.
Flanders, John W., Sr.

Campbell, Marilyn R.
Cooke, Annette M.
Gage, Thomas U.

Caswell, Albert, Jr.
Drake, Herbert R.
Hoar, John, Jr.

Hynes, Carolyn E.
MacKinnon, Nancy W.
Raynowska, Bernard J.
Seward, Russell G.
Weyler, Kenneth L.

Kane, Cecelia D.
McCarthy, John James, Jr.
Rosencrantz, James R.
Sytek, Donna

Klemm, Arthur P., Jr.
Pantelakos, Laura C.
Roulston, Donald L.
Warburton, Calvin

STRAFFORD

Bickford, Drucilla
Scharff, Thomas Edward
Swope, Warren L.

Marston, Robert E.
Spencer, Leo J.

Pelley, Janet R.
Stewart, Glenn W.

SULLIVAN

Flint, Gordon B.
MacAskill, Kenneth M.

Hinrichsen, Keith

Krueger, Richard H.

NAYS 228 BELKNAP

Campbell, Richard H., Jr.
Pearson, Ralph W.
Salatiello, Thomas

Hawkins, Robert S.
Randall, Kenneth A.
Ziegra, Alice S.

Maviglio, Steven R.
Rice, Thomas, Jr.

CARROLL

Chandler, Gene G.
Olimpio, J. Lisbeth

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Foster, Katherine Davis
Hunt, John B.
Perry, David M.
Young, David A.

Barber, Robert E., Jr.
Doucette, Richard F.
Gordon, Irvin H.
LaMar, David M.
Sawyer, Alfred P.

Crutchley, Donald O.
Eaton, Daniel Adams
Hill, Douglas E.
Matson, William R.
Spear, Susan

COOS

Brungot, Catherine V.
Merrill, Gerald

Buckley, C. Fitzgerald, III
Nelson, Harold D.

Kilbride, Dennis J.
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Guest, Robert H.
Scanlan, David M.
Wadsworth, Karen O.
White, Paul R.

Arnesen, Deborah L.
Chambers, Mary P.
Densmore, Edward D.
LaMott, Paul I.
Stewart, Roger
Ward, Kathleen W.

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
Nordgren, Sharon
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Alukonis, David J.
Baldizar, Barbara J.
Biondi, Christine A.
Cote, David E.
Desrosiers, William J.
Drolet, Paul L.
Fields, Dennis H.

Amidon, Eleanor H.
Barry, Janet Gail
Bowers, Dorothy C.
Cowenhoven, Garret P.
Dodge, Emma M.
Dykstra, Leona
Flood, Jacqueline J.

Andrews, Frederick B.
Barry, Vivian
Brady, Carolyn L.
Cox, Gladys M.
Donovan, Francis X.
Emerton, Lawrence
Ford, Nancy M.

Gagnon, Gabrielle V.
 Gureckis, Adam C., Sr.
 Healy, Daniel J.
 Jean, Romeo W.
 King, John A.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland
 O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Robinson, Ellen-Ann
 Spaloss, Henry F.
 Turgeon, Roland M.

Gerow, Sezen M.
 Haettenschwiller, A. A.
 Holden, Carol H.
 Jenkins, Mary
 Lachut, Ervin R.
 Lown, Elizabeth
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Packard, Bonnie B.
 Reidy, Frank J.
 Sallada, Roland A.
 Tarpley, Nancy L.

Goulet, Maurice E.
 Hall, Betty B.
 Hunter, Bruce F.
 Johnson, Lionel W.
 Leclerc, Charles J.
 Lozeau, DonnaLee
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Pappas, Toni
 Rheault, Lillian I.
 Smith, Leonard A.
 Toomey, Daniel

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Boucher, Laurent J.
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Smith, Gerald R.
 Teague, Bert

Apple, Lowell D.
 Beaton, Nancy
 Braiterman, Thea
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Soldati, Jennifer
 Trombly, Rick A.

Asplund, Bronwyn L.
 Bennett, J. Allen
 Carter, Susan D.
 Fillion, Paul R.
 Gross, Caroline L.
 Holmes, Mary C.
 Lockwood, Robert A.
 Pantzer, Eugene
 Provencal, Leo A.
 Stio, Peter M.
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Ford, Bert H.
 Haynes, Richard L.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Joseph A.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Popov, Elizabeth M.
 Simon, Peter M.
 Splaine, John E., Sr.
 Weddle, Michael Rodney

Bell, Juanita
 Brown, Lewis W.
 Cote, Patricia L.
 Fesh, Robert M.
 Gage, Beverly A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCain, William F.
 Palazzo, Frank J., Sr.
 Ritzo, Eugene
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.

Boucher, William Paul
 Campbell, Eunice M.
 Dube, LeRoy S.
 Flanders, Harry E.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Katsakiores, Phyllis
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McKinney, Betsy
 Parsons, Robert F.
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Vaughn, Charles L.
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Flynn, Edward J.
 Keans, Sandra Balomenos
 Martling, W. Kent

Bernard, Mary E.
 Dionne, Albert J.
 Frechette, Roland A.
 Kincaid, William
 McCann, William H., Jr.

Brown, Julie M.
 Flynn, Anita A.
 Gilmore, Gary
 Kinney, Paula J.
 Merrill, Amanda

Musler, George T.
Sullivan, Henry P.
Vincent, Francis C.
Young, John B.

O'Brien, John
Torr, Ann M.
Wall, Janet G.

Parks, Joe B.
Tsiros, William
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Harland, Jane A.
Rodeschin, Beverly T.

Burling, Peter Hoe
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Peyron, Fredrik
Stamatakis, Carol M.,

and the substitute motion lost.

Resolution adopted.

SB 410-FN, relative to display of materials which are harmful to minors. **INEXPEDIENT TO LEGISLATE**.

The substantive purpose of the bill is already met by the provisions of existing law, RSA 650 and 571-B:2, I(a). The Committee majority perceived no additional value to be achieved through this legislation. It also was concerned by the loose drafting of the statute, which appeared to allow serious restrictions on First Amendment rights. Vote 15-2. Rep. Peter Hoe Burling for Judiciary.

Rep. Lefebvre moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Burling and Thomas Gage spoke against the motion and yielded to questions.

The substitute motion lost.

Resolution adopted.

SB 372-FN, relative to suspension or revocation of the motor vehicle license or privilege to drive. **REFER FOR INTERIM STUDY**.

The Committee felt that this bill needed further study due to its complexities. One section was more attributable to the judiciary while the other section to the Department of Safety. The Committee noted that the substance of the bill was good, but much more work is needed in the section of assigning penalties. Vote 13-2. Rep. Thaddeus E. Klemarczyk for Transportation.

Adopted.

SB 373-FN-A, relative to compulsory school attendance and to home education. **OUGHT TO PASS WITH AMENDMENT**.

This bill, as amended by the Committee, answers the concerns of the Department of Education. It changes the process that parents have to go through in order to qualify to educate their children at home. It places home schooling in state statute as a legal alternative to public school education. The Committee found through testimony that the people who do home schooling are fully dedicated to teaching their children and the result of their dedication is evident in their children's performance. This bill, as amended, has been agreed to by the Department of Education and the Home Schoolers of New Hampshire. Vote 14-0. Rep. Dennis R. Bolduc for Education.

Amendment

Amend RSA 193-A:5, II(c)-(e) as inserted by section 3 of the bill by replacing them with the following:

(c) A table of contents or other material which outlines the scope of and instructional sequence for each subject, or both; and

(d) A list of textbooks or other instructional materials used.

Amend the introductory paragraph of RSA 193-A:6, II as inserted by section 3 of the bill by replacing it with the following:

II. The parent shall provide for an annual educational evaluation in which is documented the child's demonstration of educational progress at a level commensurate with the child's age and ability. The child shall be deemed to have successfully completed his annual evaluation upon meeting the requirements of any one of the following:

Amend RSA 193-A:6, II(c)-(e) as inserted by section 3 of the bill by replacing them with the following:

(c) The child shall take a state student assessment test used by the resident district. Composite results at or above the fortieth percentile on such state test shall be deemed reasonable academic proficiency. Such test results shall be reported to the commissioner of education, the resident district superintendent, or nonpublic school principal; or

(d) The child shall be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal. The results shall be reported by the parent or the testing agency to such appropriate official.

Amend RSA 193-A:6, III as inserted by section 3 of the bill by replacing it with the following:

III. The commissioner of education, resident district superintendent, or nonpublic school principal shall review the results of the annual educational evaluation of the child in a home education program as provided in paragraph II. If the child does not demonstrate educational progress for age and ability at a level commensurate with his ability, the commissioner, superintendent, or principal shall notify the parent, in writing, that such progress has not been achieved. The parent shall have one year from the date of receipt of the written notification to provide remedial instruction to the child. At the end of the one-year probationary period, the child shall be reevaluated in a manner as provided in this section. Continuation in a home education program shall be contingent upon the child demonstrating at the end of the probationary period educational progress commensurate with his age and ability. The parent of a child who fails to demonstrate such progress at the end of the probationary period shall be notified by the commissioner that the parent is entitled to a hearing as provided in RSA 193-A:7, III and IV and that the program will be terminated absent a finding for continuation pursuant to such hearing. Upon a finding that the program should be terminated, the child shall be reported by the commissioner or nonpublic school principal to the appropriate resident district superintendent, who shall, if necessary, take appropriate action to ensure that compulsory attendance requirements are met.

Amend the introductory paragraph of RSA 193-A:7, IV as inserted by section 3 of the bill by replacing it with the following:

IV. In order to terminate a program, the hearing officer shall find at the hearing at least one of the following:

Amend RSA 193-A as inserted by section 3 of the bill by inserting after section 8 the following:

193-A:9 Liability Limited. The resident school district, the board of such district, and any employees of the resident school district associated with a child who is receiving home education in accordance with this chapter, are not liable in damages in a civil action for any injury, death or loss to person or property allegedly sustained by that child, his parent, or any other person as a result of the child's receipt of home education, including but not limited to, any liability allegedly based on the failure of the child to receive a free appropriate or adequate public education.

193-A:10 Home Education Advisory Council.

I. There is established the home education advisory council comprising 12 members. Members of the council shall be appointed by the commissioner of education from persons named as follows:

(a) Six members nominated by home educator associations organized within New Hampshire.

(b) Two members nominated by the department of education.

(c) One member nominated by the New Hampshire School Administrators Association.

(d) One member nominated by New Hampshire School Boards Association.

(e) One member nominated by the New Hampshire School Principals Association.

(f) One member nominated by the nonpublic school advisory council established by the board of education pursuant to RSA 21-N:9, II(f).

II. The duties of the council and the terms of office of its members shall be prescribed in accordance with rules proposed by the commissioner of education and adopted by the state board of education pursuant to RSA 541-A.

III. The chair of the council shall be elected by the council members from the home educator membership on the council. All vacancies on the council shall be filled in the same manner as that of the original appointment.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4 and 5 to read as 5 and 6, respectively:

4 Council Administration; First Meeting; Election of Chair. The commissioner of education shall call the first meeting of the home education advisory council established pursuant to RSA 193-A:10 as inserted by section 3 of this act within 60 days of the effective date of this act. The council shall elect a chair as prescribed in RSA 193-A:10, III at such first meeting.

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Sections 1 and 4 and RSA 193-A:10 as inserted by section 3 of this act shall take effect July 1, 1990.

II. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill establishes a home education program to be administered by the department of education. The bill defines those activities which fall under various categories of home instruction.

The bill requires that a parent or guardian who intends to provide home instruction to a child or children follow certain procedures, such as notifying certain education officials of such intent, structuring the home education program along specific curriculum guidelines, and providing for an annual evaluation of the child's progress.

The bill provides for a hearing in cases where the home education program, or its supervisor, appears to have the potential to, or actually does fail to educate adequately a child, for administrative orders arising out of such hearings, and for appeals from such orders.

The bill also establishes a home education advisory council.

Rep. Vaughn spoke against the report and yielded to questions.

Rep. Bolduc spoke in favor of the report and yielded to questions.

Amendment adopted.

On a division vote, 301 members having voted in the affirmative and 27 in the negative, the report was adopted.

Referred to Appropriations.

SB 407-FN, relative to the retirement eligibility of the director of the police standards and training council. OUGHT TO PASS WITH AMENDMENT.

This bill requires the Director or Assistant Director of the Police Standards and Training Council to have satisfied minimum standards as determined by the Council and shall be a member of group II. It places three members of the Marine Patrol officers in group II along with the others in that group who already are members of group II. Vote 14-0. Rep. John A. King for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the retirement eligibility of the director of the police standards
and training council and relative to the membership
of marine patrol officers in group II.

Amend the bill by replacing section 3 with the following:

3 Marine Patrol Officers; Transfer to Group II. All officers of the bureau of marine patrol in the department of safety who are permanent policemen as defined in RSA 100-A:1, VII, and whose jobs are certified, as provided in RSA 100-A:1, VII, as conforming to the requirements of that paragraph, and who are presently members of group I in the retirement system, are hereby transferred to group II in the New Hampshire retirement system, and the jobs held by such officers are hereby reclassified from group I to group II, as provided in RSA 100-A:3, IX. The transfer shall be prospective from the effective date of this act, and the provisions of RSA 100-A:3, II-b shall apply.

4 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill defines the director as a permanent policeman for purposes of membership in group II of the New Hampshire retirement system.

The bill also transfers marine patrol officers in the department of safety from group I to group II in the New Hampshire retirement system on July 1, 1990, provided that such officers meet the requirements of a "permanent policeman" for retirement system purposes and their jobs are certified in accordance with RSA 100-A:1, VII.

Amendment adopted.

Referred to Appropriations.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor. **OUGHT TO PASS.**

The demands on the Chief Medical Examiner have developed and expanded beyond the capacity of one person. It is now necessary to authorize an Associate Medical Examiner and Assistant Deputy Medical Examiner. The Fiscal Note calls for state expenditures of \$155,000 in FY91. Vote 16-0. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

SB 391-FN, relative to confidential communications between certain victims and counselors. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows interpreters for hearing impaired, foreign language interpreters to be present during confidential communication. It defines acts of "domestic violence" and the term "intimate partners." The bill permits a court to issue a search warrant for a deadly weapon. It allows a warrantless arrest on a misdemeanor or violation charge when the arresting peace officer has probable cause to believe that the person charged has violated a protective order. It authorizes a peace officer to seize deadly weapons if the defendant has failed to relinquish them as ordered by the court. Vote 17-0. Rep. Beverly A. Hollingworth for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to confidential communications between certain victims and
counselors and relative to domestic violence.

Amend the bill by replacing all after the enacting clause with the following:

1 Words Redefined. RSA 173-B:1, I is repealed and reenacted to read as follows:

I. "Abuse" means the occurrence of one or more of the following acts between family or household members or current or former sexual or intimate partners:

(a) Attempting to cause or purposely or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon under any of the circumstances outlined in RSA 631:1, 631:2, or 631:2-a;

(b) Placing or attempting to place another in fear of imminent bodily injury either by physical menace or by threats to commit a crime against the person of the other, as outlined in RSA 631:4;

(c) Attempting to or engaging in sexual penetration with another under any of the circumstances outlined in RSA 632-A:2;

(d) Attempting to or committing kidnapping, criminal restraint or false imprisonment under any of the circumstances outlined in RSA 633:1 to 633:3;

(e) Attempting to or committing destruction of the property of any person eligible for protection from domestic violence under any of the circumstances outlined in RSA 634:1 or 634:2;

(f) Attempting to or committing an unauthorized entry on the property of a person eligible for protection from domestic violence under any of the circumstances outlined in RSA 635:1 or 635:2.

2 New Paragraphs; Definitions Added. Amend RSA 173-B:1 by inserting after paragraph III the following new paragraphs:

IV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.

V. "Intimidating", used solely in RSA 173-B:4, I(a)(4) and RSA 173-B:6, V means:

(a) Commission or attempted commission of harassment as defined in RSA 644:4;

(b) Commission or attempted commission of assault or reckless conduct as defined in RSA 631:1 to 631:3;

(c) Commission or attempted commission of criminal threatening as defined in RSA 631:4;

(d) Commission or attempted commission of sexual assault as defined in RSA 632-A:2 to 632-A:5;

(e) Commission or attempted commission of interference with freedom as defined in RSA 633:1 to 633:4;

(f) Commission or attempted commission of destruction of property as defined in RSA 634:1 or 634:2;

(g) Commission or attempted commission of an unauthorized entry as defined in RSA 635:1 or 635:2; or

(h) Engaging in any other course of conduct with the intention of deliberately physically or emotionally harming or placing in fear a person entitled to protection from domestic violence.

3 Changed Term. Amend RSA 173-B:4, I(a)(4) to read as follows:

(4) Enjoining the defendant from harassing, intimidating or threatening the plaintiff, plaintiff's relatives, *regardless of their place of residence*, or *plaintiff's* household members in any way.

4 Changed Term. Amend RSA 173-B:8, I(a) to read as follows:

I.(a) Irrespective of whether the plaintiff chooses to pursue the contempt remedies in paragraph II, when a defendant violates either a temporary or permanent protective order issued under this chapter by committing assault, criminal trespass, [vandalism] *criminal mischief* or another criminal act, peace officers shall arrest the defendant, detain the defendant pursuant to RSA 594:19-a and refer the defendant for prosecution. Such arrests may be made *within 6 hours* without a warrant upon probable cause whether or not the violation is committed in the presence of a peace officer.

5 Search Warrant for Deadly Weapons. Amend RSA 173-B:6, VII to read as follows:

VII. As a protective order, directing the defendant to temporarily relinquish to the peace officer any *or all* deadly weapons, as defined in RSA 625:11, V, in the control, ownership or possession of the defendant which may have been used, or threatened to be used, *or could be used*, in an incident of abuse against the plaintiff or any member of plaintiff's household. *If a court issues a protective order pursuant to this paragraph, it may subsequently issue a search warrant authorizing the peace officer to seize said deadly weapon or weapons, if there is probable cause to believe that such deadly weapon or weapons are kept at the residence of the defendant, and if the court has reason to believe that all such deadly weapons have not been relinquished by the defendant. Such protective order may authorize the peace officer to enter the defendant's residence for the limited purpose of serving the order and, when appropriate, for the purpose of locating and seizing the deadly weapon or weapons named in the warrant.*

6 Certain Third Parties Allowed. Amend RSA 173-C:1, I to read as follows:

I. "Confidential communication" means information transmitted between a victim, as defined in paragraph VI, of an alleged sexual assault or alleged domestic

abuse, and a sexual assault or domestic violence counselor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. *The presence of an interpreter for the hearing impaired, a foreign language interpreter, or any other interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege.* The term includes all information received by the sexual assault or domestic violence counselor in the course of that relationship.

7 Failure to Report Injuries Allowed in Certain Circumstances. Amend RSA 173-C:2 to read as follows:

173-C:2 Privilege.

I. A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a sexual assault counselor or a domestic violence counselor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim.

II. Persons prevented from disclosing a confidential communication or record pursuant to paragraph I shall be exempt from the provisions of RSA 631:6.

8 Arrest Without a Warrant; Domestic Violence. RSA 594:10, I(b) is repealed and reenacted to read as follows:

(b) He has probable cause to believe that the person to be arrested has within the past 6 hours committed abuse as defined in RSA 173-B:1, I against a person eligible for protection from domestic violence as defined in RSA 173-B:1, or has within the past 6 hours violated a temporary or permanent protective order issued under RSA 173-B by committing assault, criminal trespass, criminal mischief or another criminal act.

9 Repeal. RSA 173-B:1, III, relative to the definition for harassment, is repealed.

10 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill allows the participation of an interpreter for the hearing impaired, a foreign language interpreter, or any other interpreter necessary for a communication to take place, in a confidential communication between a victim of alleged sexual assault or alleged domestic violence. Such participation will not affect the confidentiality of the communication nor be deemed a waiver of the privilege.

The bill also exempts a person who is prevented from disclosing a confidential communication made to a sexual assault counselor or a domestic violence counselor regarding an injury apparently caused by a criminal act from the provisions of RSA 631:6. Such statute makes it a misdemeanor for any person who treats or assists another for any injury apparently caused by a criminal act to fail to notify immediately a law enforcement official of all information he has concerning the injury.

The bill also changes laws relative to domestic violence, including providing new or revised definitions of certain terms. Such definitions include adding to the particular acts which constitute abuse in domestic violence situations and also defining the term "intimate partners."

The bill also permits a court to issue a search warrant for a deadly weapon, to be issued subsequent to the issuance of a protective order calling for relinquishment of such weapon.

The bill allows a warrantless arrest on a misdemeanor or violation charge when the arresting peace officer has probable cause to believe that the person to be arrested has within the past 6 hours violated a temporary or permanent protective order issued as a result of committing a criminal act in a domestic violence situation.

Amendment adopted.

Rep. Lown offered an amendment and spoke to her amendment.

Amendment

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-10 to read as 5, 6, 7, 8, 9, 10, and 11 respectively:

4 Changed Term. Amend RSA 173-B:6, V to read as follows:

V. As a protective order, restraining the defendant from harassing, intimidating or threatening the plaintiff, plaintiff's relatives, *regardless of their place of residence*, or *plaintiff's* household members in any way;

Amendment adopted.

Ordered to third reading.

SB 398, relative to the east-west highway study. **OUGHT TO PASS WITH AMENDMENT.**

This bill will provide a study of improved highway access from the Concord area to the Tri-City area of Rochester, Dover and Somersworth, and should address present and future transportation needs. Vote 12-1. Rep. Fredrik Peyron for Public Works

Amendment

Amend 1988, 266:1 as inserted by section 1 of the bill by replacing it with the following:

266:1 Declaration of Public Interest. It is hereby declared to be in the public interest to preserve and maintain the natural beauty and character of the state's resources; to maintain the environmental quality for the overall welfare and benefit of the people of the state, and to promote efforts which will prevent or minimize any potentially adverse impact or damage to the environment while fulfilling the social, economic and other needs of the people of the state. It is further declared to be in the public interest to maintain the character of, to preserve and to avoid any interference with, the natural beauty and environmental integrity of the state's Great Bay area. The means for encouraging the goals and purposes authorized by this act are to direct the department of transportation to undertake a study of potential social, economic and environmental impacts of, and preliminary design plans for, a proposed 4-lane east-west highway from [Route I-393 in Concord,] *the Concord area* to [a terminus located north of exit 9 on the Spaulding turnpike. This project will be an alternate to U.S. Route 4 and U.S. Route 4 shall not be a part of the proposed east-west corridor study] *the tri-city area of Rochester, Dover and Somersworth. Recognizing that the Route 101/51 corridor is designed to provide east-west access south of Great Bay, the purpose of this project will be to provide improved highway access for the foreseeable future from the Concord area to the tri-city area of Rochester, Dover, and Somersworth. While it is recognized that federal mandates require the study of a wide range of alternatives for comparative purposes, it is the clear intent of the legislature that the purpose of this proposed highway is to serve the present and future transportation needs from the Concord area to the tri-city area of Dover, Somersworth and Rochester. If the preferred alternative includes any route or*

routes which have a point of terminus at any point on the Spaulding turnpike south of exit 7, no design plans shall be prepared or implemented in any way with respect to said route or routes unless such planning or implementation is expressly approved by the legislature.

Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Gross spoke to the bill.

Referred to Appropriations.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on Senate Bills 309-FN-A, establishing a New Hampshire Heritage Trail, 313-A, relative to the Nashua courthouse and making an appropriation therefor; 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor; 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect; 340-FN, establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor; 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system; 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957; 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits; 371-FN, relative to disciplinary actions against and expiration and renewal of licenses for licensees of the barbering, cosmetology, and esthetics board and making an appropriation for sending out license renewal notices; 373-FN-A, relative to compulsory school attendance and to home education; 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system; 384-FN-A, relative to medical examiners and making an appropriation therefor; 392-FN, relative to the Spaulding Turnpike; 398, relative to the east-west highway study; 401-FN, relative to fines imposed for DWI and to the penalty assessment on criminal fines; 406-FN, relative to creditable service for retirement purposes for teachers who job share and 407-FN, relative to the retirement eligibility of the director of the police standards and training council and relative to the membership of marine patrol officers in group II, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

SENATE MESSAGES

NONCONCURS WITH AMENDMENT, REQUESTS

COMMITTEE OF CONFERENCE

SB 57, relative to mandatory waste reduction and recycling for state agencies.

The President appointed Sens. Bond, Bass and St. Jean.

Rep. Elizabeth Green moved that the House accede.

Adopted.

The Speaker appointed Reps. Millard, Tarpley, Popov and Weymouth.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 363-FN, relative to the issuing of trapping licenses. (Amendment printed SJ 10, 3/06/90)

Rep. Perham moved the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. William Boucher, Albert Dionne, Pfaff and Perham.

HB 1503-FN, relative to certain general fund fees and revenues and certification of wastewater treatment plant operators. (Amendment printed SJ 9, 2/15/90)

Rep. Sytek moved the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Ann Torr, Phelps, Kelley and Densmore.

HCR 13, to protect and preserve the tenth amendment to the United States Congress. (Amendment printed SJ 10, 3/06/90)

Rep. Flanagan moved the House nonconcur and request a Committee of Conference.
Adopted.

Adopted.

The Speaker appointed Reps. Flanagan, Holden, John McCarthy and Ellen Dube.

HB 490, establishing a speed limit on a portion of the Connecticut River and relative to ski craft hearings. (Amendment printed SJ 10, 3/06/90)

Rep. Gordon moved that the House concur.

Adopted.

HB 562-FN, making technical changes in the election laws. (Amendment printed SJ 2, 1/11/90)

Rep. Flanagan moved that the House concur.

Adopted.

HB 639-FN, relative to the disposition of acquired or abandoned rail properties. (Amendment printed SJ 10, 3/06/90)

Rep. Gordon moved that the House concur.

Rep. Hoar yielded to questions.

Adopted.

HB 700-FN, imposing minimum mandatory sentences for felonious use of firearms. (Amendment printed SJ 10, 3/06/90)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 1003, relative to prima facie speed limits on local roads. (Amendment printed SJ 10, 3/06/90)

Rep. Haynes moved that the House concur.

Adopted.

HB 1016, relative to altering municipal highway classifications. (Amendment printed SJ 10, 3/06/90)

Rep. Grodin moved that the House concur.

Adopted.

HB 1081, relative to the membership of the fish and game commission. (Amendment printed SJ 10, 3/06/90)

Rep. Perham moved that the House concur.

Adopted.

HB 1104, relative to the motor vehicle laws. (Amendment printed SJ 10, 3/06/90)

Rep. Haynes moved that the House concur.

Adopted.

HB 1136, relative to filing of annual reports with the secretary of state. (Amendment printed SJ 10, 3/06/90)

Rep. Flanagan moved that the House concur.

Adopted.

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident. (Amendment printed SJ 10, 3/06/90)

Rep. Haynes moved that the House concur.

Adopted.

HB 1175, establishing a committee to study choice in education. (Amendment printed SJ 13, 3/20/90)

Rep. Skinner moved that the House concur.

Adopted.

HB 1196-FN, establishing a legislative study committee relative to wetlands board matters. (Amendment printed SJ 12, 3/15/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1321-FN, establishing a study committee to determine the feasibility of commercial shell fishing. (Amendment printed SJ 10, 3/06/90)

Rep. Perham moved that the House concur.

Adopted.

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester. (Amendment printed SJ 10, 3/06/90)

Rep. Haynes moved that the House concur.

Adopted.

ENROLLED BILLS REPORT

HB 530, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war.

HB 745, relative to the hazardous material transportation advisory board.

HB 1001, increasing agent fees for fish and game licenses.

HB 1004, relative to the tax abatement procedure.

HB 1018, relative to the penalties for bail jumping.

HB 1049, relative to fishing licenses for non-institutionalized developmentally disabled persons.

HB 1075, relative to location of court hearings in abuse or neglect cases.

HB 1100, relative to the time for submitting proposed zoning ordinance amendments to the town clerk.

HB 1108, establishing a committee to study child care in public and private sector buildings.

HB 1208, reducing certain misdemeanors to violations.

HB 1262, relative to recording of ancient plats.

HB 1270, relative to the enforcement of the hazardous waste laws.

HB 1282, relative to licensing of nondepository first mortgage bankers and brokers.

HB 1295, appropriating oil overcharge funds.

HB 1316, relative to the uniform reciprocal enforcement of support act.

SB 314, relative to the New Hampshire energy authority.

SB 332, relative to electing zoning board of adjustment members.

SB 334, allowing the town of Ellsworth to establish a school district.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

REMOVED FROM THE TABLE

Rep. Sytek moved that HB 412, to provide tax credits for employees under the business profits tax, be removed from the table.

On a division vote, 242 members having voted in the affirmative and 76 in the negative, the bill was removed from the table.

Rep. Sytek moved that the words Refer for Interim Study be substituted for the Committee Report of Ought To Pass With Amendment, and spoke to her motion.

Substitute motion adopted.

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 29 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 339-FN, relative to licensure of mobile barbershops.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters.

SB 402-FN-A, reinstating certain positions in the insurance department and making an appropriation therefor.

SB 403-FN, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

SB 405-FN, relative to accounting procedures and risk retention of insurance companies.

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns.

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority.

SB 302, relative to the Mount Washington Commission.

SB 344-FN, relative to the appointment of the director of water supply and pollution control.

SB 388, relative to ski patrol personnel qualifications and licensing.

SB 319, relative to a uniform principal and income act.

SB 374-FN, establishing a study committee to examine probate court reporting requirements.

SB 389, relative to non-privileged communications in marital mediation proceedings.

SB 391-FN, relative to confidential communications between certain victims and counselors.

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents.

SB 370-FN, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant.

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies.

SB 301-FN, relative to licensing commercial vehicle drivers.

SB 354-FN, relative to temporary emergency motor vehicle registration.

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions.

SB 320-FN, relative to court-ordered commitments.

Having voted with the prevailing side, Rep. Packard moved the House reconsider its action whereby it passed SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions and asked the House to vote no.

Reconsideration lost.

Rep. Ann Torr moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:50 p.m.

RECESS

Rep. Stacey Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Thursday, March 29, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Jack Hackworth, Senior Pastor of the Granite State Baptist Church, Salem, guest of Rep. Micklon.

Dear Heavenly Father, we first acknowledge our need for divine guidance. Each local, state, and national organization needs a true direction — a direction that our God from Heaven had given to our forefathers. God, give us in the '90s the foresight and insight to lead this present group of people. I pray for righteous, just direction for these lawmakers and leaders of New Hampshire.

Father, may our decisions directly relate to the needs of our families and each individual person in New Hampshire. Then, Heavenly Father, let us be grateful and display in attitude one to another a spirit of gratitude for what You have already done. Let us be united, one nation under God, to preserve freedom for all people.

Let us pray for our President and all of our national leaders. God, protect us from war and self-destruction. Add Your blessings on our decisions, understanding that the Word of God declares, "There is no power but of God: The powers that be are ordained of God." We ask this in the name of the Lord Jesus Christ, Your Son. Amen.

Rep. Copenhaver led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Brady, Drabinowicz, Holbrook, Lachance, Mayhew, Pratt, Sanderson, Soucy and Tarpley, the day, illness.

Reps. Avery, Bolduc, Lionel Boucher, Callaghan, Emerton, Golden, C. William Johnson, Markley, Millard, Palazzo, Prestipino, Rodgers, Roulston, Simon, Stachowske, Stamatakis and Woodburn, the day, important business.

Reps. Blanchard and Doucette, the day, illness in family.

INTRODUCTION OF GUESTS

Priscilla Brown, wife of Rep. Lewis Brown of Hampton; 15 seniors from Sunapee High School, Contemporary Problems class, with their teacher Mrs. Rube, guests of Rep. Behrens and Rodeschin; Greta Whittemore, wife of Rep. Whittemore; Amy Jackson and Kelly Guide, granddaughters of Rep. Kane; Linda Salatiello, wife of Rep. Salatiello; Karen Palting from Boston College, guest of Rep. Gerow.

ENROLLED BILLS AMENDMENT

SB 400-A, increasing the appropriation for constructing regional vocational education centers.

Amendment

Amend the bill by replacing line 7 on page 1 with the following:

New Hampshire is hereby authorized to make available to the department of

Amend the bill by replacing line 11 on page 1 with the following: funds shall be made by the department of education to the treasurer.

Adopted.

SENATE MESSAGES
REFUSAL TO SUSPEND JOINT RULES

HB 381-FN, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs.

CONCURRENCE

HB 1047, establishing a commission with the state of Maine on Lake Umbagog.

HB 1072-FN, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation.

HB 1074, relative to annual audits of consumer cooperative associations.

HB 1106-FN, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings.

HB 1137, relative to condominium laws.

HB 1276, relative to sales of motor vehicles.

HB 1324-FN, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin.

HB 1334-FN, relative to telephone utilities service territories.

HB 1372, relative to interim rules under the administrative procedure act.

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil.

REFERRED FOR INTERIM STUDY

HB 1128-FN, requiring licensure of out-of state mail order pharmacies.

HB 1312-FN, relative to employee prescription drug benefits and health care centers.

NONCONCURRENCE

HB 1350-A, increasing the appropriation for constructing regional vocational education centers.

HB 1326-FN, relative to the sale or lease of certain institutional lands.

HB 1156, relative to the order of the placement of candidates' names on ballots.

HB 1197, to identify individual contributors to political campaigns.

CACR 25, relating to the membership of the senate.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 731, dedicating the state police barracks in Milford. (Amendment printed SJ 10, 3/08/90)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Chandler, Peyron, Frechette, and David Wheeler.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover. (Amendment printed SJ 10, 3/08/90)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Klemarczyk, Malcolm, Nelson and George Katsakiores.

HB 1204, reinstating the corporate charter of the Waltham Screw Co., Inc. (Amendment printed SJ 10, 3/08/90)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Flanagan, Holden, John McCarthy, and McGovern.

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children. (Amendment printed SJ 13, 3/20/90)

Rep. Thomas Gage moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lown, Jasper, Hollingworth and Moore.

HB 1410, relative to recodifying the liquor laws and standardizing licensing and fee requirements. (Amendment printed SJ 14, 3/22/90)

Rep. Kelley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gross, Simon, Kelley and Lemire.

HB 1259-FN, relative to the unclaimed and abandoned property act. (Amendment printed SJ 9, 2/15/90)

Rep. Fraser moved that the House concur.

Adopted.

HB 1013, reviving the charter of the New Hampshire Karting Association. (Amendment printed SJ 14, 3/22/90)

Rep. Holden moved that the House concur.

Adopted.

HB 390-FN-A, relative to the New Hampshire retirement system investment practices. (Amendment printed SJ 13, 3/20/90)

Rep. Maurice MacDonald moved that the House concur.

Adopted.

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system. (Amendment printed SJ 14 3/22/90)

Rep. Pappas moved that the House concur.

Adopted.

HB 1218, relative to defense and indemnification of bail commissioners. (Amendment printed SJ 13, 3/20/90)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 1169, establishing a committee to study drug alcohol testing in the workplace. (Amendment printed SJ 14, 3/22/90)

Rep. Hawkins moved that the House concur.

Adopted.

HB 1054, relative to memorials for veterans. (Amendment printed SJ 14, 3/22/90)

Reps. Benton and Grodin moved that the House concur.

Adopted.

HB 1258, establishing a New Hampshire clean lakes program. (Amendment printed SJ 14, 3/22/90)

Rep. Dickinson moved that the House concur.
Adopted.

HB 1069, relative to the dig-safe law. (Amendment printed SJ 14, 3/22/90)

Rep. Rodeschin moved that the House concur.
Adopted.

REGULAR CALENDAR

SB 351, relative to the Pease Air Force Base development authority and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

One of the most important legislative issues to be considered by the General Court this session is the creation of the Pease Air Force Base Development Authority. Following notification by federal authorities of the planned closing of Pease Air Force Base, the General Court in 1989 established the Pease Air Force Base Development Commission. That body has been studying the various options as they pertain to conversion and redevelopment of some 4500 acres currently owned by the federal government. A consulting firm was engaged and the Commission subsequently in March 1990 received Phase #1 of its study. The Commission recommended to the New Hampshire Senate the establishment of a Pease Airport Base Development Authority. This effort resulted in SB 351-FN. The bill came to the House and a seven-hour public hearing was held by the Commerce Committee. Following the hearing, a Subcommittee was appointed and further work was accomplished. There are contained in the Commerce Committee's version, several critical changes to the version as it was passed in the Senate.

The major Commerce Committee changes are:

1) The first important change addresses the concern of the Federal Aviation Authority in that it was mandated that the Development Authority be a state agency. This mandate has been addressed.

2) The second change creates a board of directors of seven members, three of whom come from the Seacoast area. Of the remaining four members, one is appointed by the Governor and Council, one by the House Speaker, one by the Senate President, and one by unanimous vote of the Governor, the Speaker, the President or their designees. Four votes represents a quorum, but the adoption of land-use controls requires the affirmative vote of five board members.

3) Land-use controls shall be adopted by the Authority consistent with the master plans of Portsmouth and Newington. The Authority may adopt existing plans of Portsmouth and/or Newington or it may adopt its own. There must be at least one public hearing. The Authority is responsible for enforcement of land-use controls, but may delegate enforcement powers to Newington and/or Portsmouth. Approximately 1500 acres have been set aside as a wildlife preserve under the aegis of the United States Department of the Interior. In the year 2000 AD, or sooner, if the Authority so elects, control of Pease Air Force Base, except for the airport district and the wildlife preserve, shall revert to the municipalities.

4) The next important change is on the subject of taxation. The Senate version allows investors in the area outside of the airport district to be taxed at 25 percent of the equalized assessed value. The House Commerce Committee's version states that all land owned, leased or rented by a non-governmental person shall be taxed in the

same manner as if it were not owned by the Authority, the State or any political subdivision thereof.

5) The final major change reduces the State's bonding guarantee from \$100 million to \$50 million. It further reduces the bonding authority of the Airport Authority from \$750 million to \$250 million. There are many other changes to SB 351-FN as proposed by the House Commerce Committee. However, what is reported here highlights the major changes. Vote 12-0. Rep. Leo W. Fraser for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Pease Development Authority. Amend RSA by inserting after chapter 12-F the following new chapter:

CHAPTER 12-G

PEASE DEVELOPMENT AUTHORITY

12-G:1 Declaration of Purpose.

I. The general court recognizes that the closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, the city of Portsmouth, the seacoast region and the state of New Hampshire. Therefore, the general court finds that a comprehensive study of all issues related to the closure and redevelopment of Pease Air Force Base are necessary to ensure proper planning and optimal use of the property. The study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment and quality of life of the affected communities, the seacoast region and the state.

II. The general court further recognizes that the economies, environment and quality of life of the affected communities, the seacoast region and the state will depend on the speedy and proper redevelopment of Pease Air Force Base. Thus, it is hereby declared to be in the public interest and to be the policy of the state to foster and promote the redevelopment of Pease Air Force Base by implementing the comprehensive conversion and redevelopment plan being prepared by the former Pease Air Force Base redevelopment commission and the Pease development authority.

III. It is further declared that creation of a development authority to implement the comprehensive conversion and redevelopment plan and to promote, oversee and integrate the development of Pease Air Force Base is in all respects for the benefit of the affected communities, the seacoast region and the state and for the improvement of their welfare and prosperity, including the creation of employment and other business opportunities. It is also the intent of the general court that the authority be empowered to assume from the Pease Air Force Base redevelopment commission the responsibility for obtaining federal approval of the comprehensive conversion and redevelopment plan and complete any steps in the planning process that may remain incomplete as of July 1, 1990, and to create a development authority with the power, duties and authority to implement all aspects of the comprehensive conversion and redevelopment plan subject to provisions of this chapter, including without limitation, taking title in the name of the state of New Hampshire, acting by and through the authority, to any or all of Pease Air Force Base.

12-G:2 Definitions. In this chapter:

I. "Airport district" means the property conveyed, granted or otherwise transferred to the authority by the federal government or any agency thereof pursuant to

section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), as amended.

II. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, the mayor and city council of the city of Portsmouth, and the board of selectmen of the town of Newington.

III. "Authority" means the Pease development authority.

IV. "Board" means the board of directors of the authority.

V. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VI. "Commission" means Pease Air Force Base redevelopment commission established pursuant to 1989, 3:2.

VII. "Director" means a member of the board.

VIII. "Excess revenues" means those revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:26 required (a) to pay the costs of operating, maintaining and repairing all property and projects of the authority, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:15 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority, (e) to create and maintain a capital improvement fund to be established by the board in an amount not more than \$10,000,000, and (f) to pay all taxes owed by the authority. Excess revenue shall not include any revenues generated from property transferred or conveyed to the authority pursuant to section 13(g) of the Federal Surplus Property Act of 1949, 50 U.S.C. App. 1622(g), as amended, within the airport district, unless the board and the Federal Aviation Administration deem, in compliance with applicable Federal Law, including but not limited to 49 U.S.C. App. 2210(a)(12), such revenues to be excess revenues within the meaning of this chapter.

IX. "Land use controls" means all municipal ordinances and requirements or rules of the authority regulating the use, development and improvement of property, including, but not limited to, zoning ordinances, subdivision regulations, site plan review regulations, and building, electric, plumbing and fire codes.

X. "Pease Air Force Base" means all land, easements, buildings, structures and appurtenances owned or controlled by the United States Department of Defense on January 1, 1990, in the towns of Newington and Greenland, or the city of Portsmouth.

XI. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XII. "Property" means all real property and tangible and intangible personal property, rights, and facilities of the authority.

XIII. "Project" means the development, construction, reconstruction, maintenance or operation of any property of the authority or of any airport by the authority, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport

or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation.

XIV. "Resolution" means:

(a) The statements of intent adopted by formal vote of the commission on the dates set forth below and related to the following:

- (1) The New Hampshire Air National Guard on August 1, 1989.
- (2) The Pease Air Force Base trash-to-energy plant on August 15, 1989.
- (3) The proposed wildlife refuge at Pease Air Force Base on August 29, 1989.

(4) Asbestos in housing at Pease Air Force Base on October 10, 1989.

(5) The provision of health care for military retirees on October 24, 1989.

(b) Any other statement of intent designating a resolution and adopted by the commission since March 20, 1989.

XV. "Revenues" means the gifts, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, or development of Pease Air Force Base and the operation of related facilities located thereon and all right to receive the same, including investment earnings and the proceeds of any borrowing hereunder or of any sale or disposition or insurance of any assets of the authority.

XVI. "Security document" means any trust agreement, security agreement or resolution authorizing the issuance of or securing bonds.

XVII. "State" means state of New Hampshire.

12-G:3 Pease Development Authority Established.

I. There is hereby created a body politic and corporate of the state, to be known as the Pease Development Authority, to carry out the provisions of this chapter. The authority is hereby deemed to be a public instrumentality, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

II. Any resolution or contract executed or approved by or on behalf of the commission shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the commission vested in or possessed by the commission on July 1, 1990, shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them.

III. Nothing in this chapter shall be construed as requiring the authority to assume, adopt or otherwise be bound by the bylaws, votes or decisions of the commission or any advisory committee thereof except as set forth in paragraph II.

12-G:4 Management by Board of Directors; Executive Director.

I. The management of the authority shall be vested in a board of 7 directors to be appointed as follows:

(a) One member appointed by the governor and executive council.

(b) One member appointed by the mayor and city council of the city of Portsmouth.

(c) One member appointed by the board of selectmen of the town of Newington.

(d) One member appointed by the president of the senate.

(e) One member appointed by the speaker of the house of representatives.

(f) One member appointed jointly by the mayor and city council of the city of Portsmouth and the board of selectmen of the town of Newington.

(g) One member unanimously and jointly appointed by the governor, the president of the senate, and the speaker of the house of representatives, or their designees. The member appointed in this manner shall be a resident of Strafford county.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed. State appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board, except for the adoption of land use controls, which shall require 5 votes.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government.

VI. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its officers and employees, subject, however, to the direction and control of the board. The executive director shall perform all such other duties as from time to time may be assigned to him by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority and of its minute book and seal. He shall have the power to cause copies to be made of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates. The executive director may employ such assistants, legal counsel, clerical and administrative staff as directed by the board and within limits of funds available for that purpose. The executive director may from time to time, with the prior consent of the board, establish and maintain such operating divisions within the authority as he shall deem necessary for the proper and efficient conduct of business under this chapter and may assign such staff members to any such division. The salary of the executive director shall be established by the board.

12-G:5 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or decision relating to such contract or matter.

12-G:6 Duties.

I. The authority assumes from the commission and shall perform the following duties:

(a) Monitoring the proposed closing of Pease Air Force Base.

(b) Conducting a comprehensive study of all issues related to the closure, conversion, redevelopment and future use of Pease Air Force Base. This study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment and quality of life of the affected communities, the seacoast region and the state.

(c) Reviewing all options relative to the most appropriate use of Pease Air Force Base.

(d) Formulating and adopting a comprehensive plan for conversion and redevelopment of Pease Air Force Base and submitting this plan to the federal authorities no sooner than 30 days following submission to the appointing authorities.

(e) Submitting the comprehensive plan for the conversion and redevelopment of Pease Air Force Base to the appropriate agency or agencies of the federal government.

II. The authority shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the comprehensive plan for the conversion and redevelopment of Pease Air Force Base identified in paragraph I.

12-G:7 Incorporation; Powers. The authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To sue and be sued in all courts and to initiate or participate in actions and proceedings, whether judicial, administrative, arbitratative or otherwise.

II. To have a seal, and to alter such seal at pleasure and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any manner.

III.(a) To employ or retain as independent contractors architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or personnel or civil service rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

(b) To appoint qualified individuals to serve as unpaid volunteers or advisors under such terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for such incidental expenses determined by the board to be necessary and incurred while performing the business of the authority.

IV. To purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

V. To sell, convey, lease, exchange, transfer, abandon or otherwise dispose of, or mortgage, pledge or create a security interest in, all or any of its property or any interest therein.

VI. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, or services from the United States of America or its agencies or departments or any state agency or any political subdivision of the state, or any other person, to carry out the terms and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desir-

able, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

VII. To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer or otherwise dispose of, mortgage, pledge or grant a security interest in, use or otherwise deal in and with, bonds and other obligations, shares or other securities or interests therein issued by others, whether engaged in a similar or different business or activity.

VIII. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic.

IX. To borrow money at such rate or rates of interest as the authority may determine, issue its notes, bonds, or other obligations to evidence such indebtedness, and secure any of its obligations by mortgage or pledge of all or any of its property or any interest therein, tangible or intangible, whether then owned or thereafter acquired.

X. To arrange for guaranties of its notes, bonds, or other obligations pursuant to RSA 12-G:27 by the federal government or by any private insurer or otherwise, and to pay any premiums therefor.

XI. To issue such notes, bonds, or other obligations, whether or not the income therefrom to the holders is exempt from federal income taxation.

XII. To purchase notes, bonds, or other obligations of the authority at such price or prices, in such manner, and upon such terms as the authority may determine.

XIII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

XIV. To procure insurance against any loss in connection with its property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor.

XV. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of or other participation in facilities, products or services of any person who engages in business on property owned or controlled by the authority.

XVI. To maintain a principal office in the state and an office or offices at such other place or places as it may determine.

XVII. To make any inquiry, investigation, survey, feasibility study or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XVIII. To apply to the appropriate agencies and officials of the federal government and the state for licenses, permits or approvals of its plans or projects as it may deem necessary or advisable, and to accept such licenses, permits or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XIX. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary, and subject to agreements with bondholders, to make rules pursuant to its own procedures for the use of its projects and property, including but not limited to zoning, subdivision and site plan review regulations, and building, electric, plumbing and fire codes, and to establish and collect

rentals, fees, and all other charges for the use of projects under the jurisdiction of the authority and for services or commodities sold, furnished, or supplied by the authority.

XX. To design, construct, maintain, operate, improve, and reconstruct such projects as shall be consistent with the purposes and provisions of this chapter, including without limitation the maintenance and development of aviation services, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

XXI. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

12-G:8 Status of Authority Employees; Entitlement to State Benefits.

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49 and shall not be "public employees" within the meaning of RSA 273-A:1, IX. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding the provisions of paragraph I, any individual employed by the authority whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority.

12-G:9 Coordination between State and Federal Governments.

I. In addition to any other duties set forth in any provision of this chapter, the authority shall coordinate with, and provide information to, the United States Department of Defense, and any official or employee thereof, regarding any matter related to the ownership, condition, closure, conversion, redevelopment, or future use or operation of Pease Air Force Base. Notwithstanding any other provision of law, no political subdivision of the state shall submit any plan regarding the closure, conversion, redevelopment or future use or operation of Pease Air Force Base without the prior approval of the authority.

II. Notwithstanding any provision of law, except for the authority, no political subdivision or any agency of the state or governmental unit thereof, may apply for or receive pursuant to any provision of federal law any funds, grants or other assistance from the Office of Economic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the authority. Except for the authority, no state political subdivision, or any agency of governmental unit thereof, shall apply for or

receive any funds, grants, or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the authority. The provisions of this paragraph shall not apply to the adjutant general or to school administrative units for the city of Portsmouth or the town of Newington.

III. Except for the adjutant general and notwithstanding any other provision of law, the authority shall be the only person in the state authorized to negotiate, purchase or otherwise obtain on behalf of the state or any of its political subdivisions any fee ownership, easement, lease or other property interest in any property in, or on a part of, Pease Air Force Base, except that the town of Newington may negotiate for and reacquire from the federal government the "Old Stone School" and associated yard located on Nimble Hill Road and the city of Portsmouth may negotiate for and acquire Jones School and Brackett School and associated yards located on Northwood Road and Rockingham Drive, respectively. The board may grant exemptions in its sole discretion from this provision to any state agency or political subdivision on such terms and conditions as it may deem appropriate.

IV. Notwithstanding any other provision of law, the authority shall be the only person authorized in the state to accept on behalf of the state or any of its political subdivisions any title to, or any other interest in, the runway, taxiways, parking aprons, hangars, control tower, airspace or other property or related facilities at Pease Air Force Base, from the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), as amended.

V. Notwithstanding any other provision of law, public employees and appointed officials of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this chapter, as directors of the authority. Any such public employee or official shall serve without compensation, except that such officials and employees may be reimbursed by the authority for such incidental expenses established by the board.

12-G:10 Local Land Use Controls.

I. Notwithstanding any other provision of law, any and all land use controls of the town of Newington and the city of Portsmouth shall not apply to any of the property at Pease Air Force Base transferred, conveyed or otherwise granted to the authority by the federal government or any agency thereof. The authority shall have the exclusive jurisdiction in adopting and establishing land use controls for the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof.

II. The authority shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review and fire codes in order to implement the comprehensive conversion and redevelopment plan prepared by the commission no later than December 31, 1990. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the authority and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 5 affirmative votes of the authority shall be required. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of state planning.

III. In adopting land use controls, the authority may adopt, in whole or in part, the land use controls of the town of Newington and/or the city of Portsmouth. If the

authority opts not to adopt the land use controls of Newington and/or Portsmouth, in whole or in part, the authority shall adopt their own land use controls which are consistent with the comprehensive conversion and redevelopment plan prepared by the commission and consistent with the master plans of the town of Newington and the city of Portsmouth.

IV. The land use controls and any amendments to them adopted by the authority shall only apply to all property at Pease Air Force Base acquired by the authority from the federal government or any agency thereof, and shall remain applicable and enforceable after the sale, lease, assignment or other transfer of any or all of such property to such person by the authority. All other property at Pease Air Force Base shall be subject to all land use controls of the municipalities in which such property is located.

V. In the enforcement of land use controls, the following shall apply:

(a) The authority shall be responsible for the enforcement of the land use controls it adopts.

(b) The authority may delegate enforcement of the land use controls to an outside entity or entities including, but not limited to, the town of Newington and the city of Portsmouth.

(c) If the authority delegates enforcement to the town of Newington and/or the city of Portsmouth, and they elect to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth and/or Newington shall be made available to the authority for all land within the authority's control. In addition, the building code boards of appeal, the zoning boards of adjustment and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests, as well as subdivision, site plan review and conditional use applications if requested to do so by the authority. The only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(d) In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls.

VI. Notwithstanding any provisions of this section, all property on Pease Air Force Base west of McIntyre Road shall be designated a wildlife preserve under the control of the United States Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge, or other appropriate federal or state agency. The authority shall not permit the development of the property designated a wildlife refuge or preserve.

VII. In any event, regulatory power over all land use controls at Pease Air Force Base except for the airport district and all property west of McIntyre Road designated as a wildlife preserve shall revert exclusively to the municipalities no later than January 1, 2000, or sooner at the election of the authority.

12-G:11 Limitations on State and Local Taxation; Provision of Services.

1. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity and for the improvement of their social and economic conditions, and, except as provided in paragraph II the authority shall not be required to pay any tax or assessment on any property or project owned by the authority under the provisions of this chapter or upon the revenues from such property or project, nor shall the authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded

by it or on its behalf. Nothing in this section shall be construed to exempt any transferee, lessee or tenant of the authority from paying any recording fee, transfer tax, or other tax required by state law.

II. All property within the boundaries of Pease Air Force Base but outside of the airport district located thereon that is owned or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23, shall be taxable by the municipality in which the property is located as though such property were not owned by the exempt entity and were held in fee simple. Upon leasing or renting by the authority of any of its property outside the airport district to a non-exempt entity for any use, the municipality in which such property is located shall subject such property to any and all applicable property taxes of the municipality as though such property were not owned by the state or authority and were held in fee simple. Tax payments shall be made as follows:

(a) In the case of such property rented from the authority, the renter shall pay, in lieu of real estate taxes, to the municipality in which the property is located an amount equal to the amount that would have been paid as ad valorem taxes in respect to such property, had it been owned by a non-governmental person.

(b) In the case of such property leased from the authority, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails to pay such duly assessed taxes on or before the due date, the tax collector of the municipality in which the property is located shall notify the authority that such taxes remain unpaid and such obligation shall become an obligation of the authority. Upon payment by the authority of any tax, costs and interest due upon such property, the authority shall be entitled to be reimbursed for any such payment and reasonable attorney's fees from the lessee of such property and shall have a lien upon any personal property, including, but not limited to equipment, of the lessee, which lien shall continue in force for 2 years from the date the tax was paid by the authority or until the lessee reimburses the authority.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for non-governmental persons and shall be based on the valuation of the property determined by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

III. Notwithstanding any other provision of law:

(a) Security for all land and buildings within the airport district and security for all flights at Pease Air Force Base shall be provided by the authority. All other police services within the airport district shall be provided by the municipalities. Any municipality providing police services to the authority shall be reimbursed in timely manner pursuant to a contract with the authority for all costs incurred by the municipality in providing such services, including but not limited to, salaries, benefits, insurance, equipment and associated administrative expenses.

(b) The provision of all other services to land, buildings and people in the airport district which are traditionally provided by the town of Newington and/or the city of Portsmouth shall be exclusively the responsibility of the authority. These services shall include, but not be limited to, the provision of fire protection, roadway maintenance, runway and parking apron maintenance, maintenance of all under-

ground storage facilities, public assistance, public education and public utilities. In accordance with the provisions of RSA 12-G:7, VIII, the authority may contract with any person for the provision of these services.

(c) Outside of the airport district the provision of the municipal services by the towns of Greenland and Newington and the city of Portsmouth shall be governed by the general law of the state.

12-G:12 Distribution of Excess Revenues.

I. Subject to the limitations contained in RSA 12-G:2, VIII, excess revenues of the authority may be distributed by the board annually within 30 days of end of the authority's fiscal year as follows:

(a) 50 percent to the state treasurer for deposit in the general fund.

(b) 50 percent to the town of Newington, the town of Greenland, and the city of Portsmouth, to be distributed based upon the ratio of the equalized assessed value of the real property within the boundaries of Pease Air Force Base, but not including the airport district, located within the town or city limits of each municipality to the total equalized assessed value of all such property.

II. Before any excess revenues are distributed pursuant to subparagraphs I(a) and (b), the authority shall reimburse in full on a pro rata basis the state, the town of Newington and the city of Portsmouth for all funds provided to the commission or authority since March 30, 1989.

III. The annual report prepared by the authority pursuant to RSA 12-G:26 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

12-G:13 Limited Liability of State and Municipalities.

I. Except as provided in paragraph II, all obligations incurred by the authority, whether arising from bonds, contracts or otherwise, shall be corporate obligations of the authority and not general obligations of the state or any political subdivision thereof, and neither the full faith and credit nor the taxing power of the state, nor any subdivision thereof is pledged to support such obligations, except as provided in RSA 12-G:27, nor shall they be deemed a debt of the state or any political subdivision thereof in determining its borrowing capacity under any applicable law.

II. Any agreement between the United State and any agency thereof and the authority shall constitute a binding agreement between the United States and the state. Any agreement between the United States and the authority obligating the state to expend funds may be satisfied in full by revenues, bond proceeds or other funds provided by the authority in the first instance, and if such funds are insufficient, then the obligations shall be satisfied by the state from other funds. Furthermore, any agreement between the United States and the authority requiring payment of funds by the authority to purchase any property at Pease Air Force Base shall be satisfied in full by revenues, bond proceeds or other funds provided by the authority, and such payment shall not require a pledge of the full faith and credit of the state, except otherwise provided under RSA 12-G:27.

Pease Development Authority Bonds

12-G:14 Issuance of Bonds. The authority may issue bonds which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 12-G:27. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter, including, without limitation, financing the pre-acquisition costs and other costs of acquisition of any property or interest therein at

Pease Air Force Base, or for any costs incurred in undertaking any project authorized by this chapter, or for paying or refunding any bonds issued pursuant to this section or interest thereon. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. Prior to each new issuance of bonds, the authority shall provide written notice to the state treasurer of the maximum amount of bonds proposed to be issued. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate \$250,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the board, and shall mature at such time or times as may be determined by the board, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and details of the bond. Subject to RSA 93-A, the bonds shall be signed by at least 4 members of the board. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the board may determine.

12-G:15 Security Documents. Any bonds issued under this chapter may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds, and such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof. Such security documents may contain provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of rates, charges and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the acquisition of any property or interest therein or undertaking of any project, any contracts relating thereto and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under this subdivision. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

12-G:16 Credit Facilities and Insurance. Any bonds issued under authority of this subdivision may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority under this subdivision may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment or security interest in respect of its property and revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance or credit facilities or any payments made thereunder.

12-G:17 Perfection and Priority of Mortgage, Pledge or Security Interest. Any mortgage, pledge or security interest made by the authority under this subdivision shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge or security interest is made. The property or revenues so mortgaged, pledged or subjected to a security interest then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge or security interest shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge or securities interest. Any agreement by which a pledge or security interest in personal property is created under this subdivision shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under this subdivision shall be filed with the register of deeds for Rockingham county.

12-G:18 Enforcement of Rights. Any owner of a bond issued under the provisions of this subdivision and any trustee under a security document securing the same, except to the extent the rights given in this section may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

12-G:19 Refunding Bonds. The authority, when authorized by the board, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of this subdivision at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding

bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the authority in respect to the same shall be governed by the provisions of this subdivision relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

12-G:20 Separate Funds. Any debt service fund, construction fund, debt service reserve fund or other fund established in connection with the issuance of bonds under this subdivision shall be kept separate from other moneys of the authority. The moneys deposited in any such funds, together with the income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the security document establishing such funds.

12-G:21 Investment of Funds. Moneys in any fund or account created under the provisions of this subdivision, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

12-G:22 Alteration of Rights of Bondholders. The state does hereby pledge to and agree with the holders of bonds issued under this chapter that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the said holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

12-G:23 Tax Exemption. Bonds issued under this subdivision and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

12-G:24 Investment Securities. Notwithstanding any of the provisions of this subdivision or any recitals in any bonds issued under this subdivision, all such bonds shall be deemed to be investment securities under RSA 382-A.

12-G:25 Eligible Investments. Bonds issued under the provisions of this subdivision are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

12-G:26 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

12-G:27 State Bond Guarantee.

I. In view of the general public benefits expected to be derived from the property acquisitions and projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this subdivision. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$50,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any property or operation of any project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by at least 4 directors.

12-G:28 Pease Development Authority Fund; Expenditure of Other Revenues.

I. For the purpose of providing a fund to be known as the Pease Development Authority Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year.

II. All sums so credited are appropriated to the authority:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with property or any interest therein, whether tangible or intangible;

(b) To pay the costs of operating, maintaining, improving and repairing all property and projects of the authority;

(c) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director;

(d) To pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority as the same become due and payable;

(e) To create and maintain reserves established pursuant to RSA 12-G:15 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority;

(f) To create and maintain a capital improvement fund to be established by the board in an amount not more than \$10,000,000;

(g) To pay all taxes owed by the authority;

(h) To pay any excess revenues authorized pursuant to RSA 12-G:12; and

(i) In general for the payment of all expenses incident to the management and operation of the authority as are consistent with its statutory purpose and as the board thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining to the credit of the authority at the close of any fiscal year shall be nonlapsing and shall be carried over and credited to its account for the succeeding year.

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. The revenues received and due to the authority from all other sources, except by way of state appropriation, from whatever source derived shall be retained by the authority and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust or security document.

12-G:29 Authorization to Seek Designation as Port of Entry or International Airport and to Establish Foreign Trade Zone and Free Port Area.

I. The authority shall be and is hereby authorized to make application to the Secretary of the Treasury of the United States for the purpose of having Pease Air Force Base, or portions thereof, designated, established or constituted, a port of entry, or an international airport, pursuant to the Customs Reorganization Act, 19 U.S.C. section 1 et seq., as amended, and 19 U.S.C. section 58b, as amended, and regulations of the United States Customs Service, including 19 C.F.R. section 101.0, et seq. and 19 C.F.R. section 122.1, et seq.

II. The authority shall be and hereby is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating and maintaining foreign-trade zones at Pease Air Force Base, pursuant to the Free Trade Zone Act, 19 U.S.C. section 81a, et seq., as amended, providing for the establishment, operation and maintenance of foreign trade zones in or adjacent to ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

III. The authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and take such other actions concerning the operation, maintenance and policing of same as may be necessary to comply with the Free Trade Zone Act and the regulations adopted thereunder.

IV. The authority shall have full power and authority to lease the right or to erect, maintain and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating of any such foreign trade zones that might be established at Pease Air Force Base.

V. The authority shall have the power and the duty to establish an area at Pease Air Force Base wherein personal property in transit shall be exempt from the provisions of the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by the port authority is defined as follows: goods, wares, and merchandise which is (a) moving in interstate or international commerce through or

over the areas hereinbefore established, or (b) which was consigned to a warehouse, public or private, within the state, from outside the state, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purposes of this chapter, provided, however, that the warehouse in which said goods, wares or merchandise is stored shall not be owned, in whole or in part, by either the consignee or consignor.

12-G:30 Construction and Effect of Other Laws.

I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the authority may be made or let without regard to any provision of law relating to public purchases or contracts.

III. The authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures. The authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended or repealed by the authority. All such rules and bylaws shall be filed in the office of legislative services within 7 days of such adoption, amendment or repeal.

IV. The provisions of this chapter shall be liberally construed in order to effect its purpose.

V. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Indemnification of Directors, Officers, and Employees. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks thereof, [or] any harbor master appointed by the New Hampshire port authority, officials and employees of the New Hampshire housing finance authority, [or] directors, officers and employees of the New Hampshire energy authority, *or directors, officers, and employees of the Pease development authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the origi-

nal or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

3 Claims Against the State; Definition of "Agency". Amend RSA 541-B:1, I to read as follows:

I. "Agency" means all departments, boards, offices, commissions, institutions, other instrumentalities of state government, *including but not limited to the New Hampshire port authority, the New Hampshire housing finance authority, the New Hampshire energy authority, and the Pease development authority*, and the general court, including any official or employee of the same when acting in the scope of his elected or appointed capacity, but excluding political subdivisions of the state.

4 Transition; Initial Appointments to Board of Authority.

I. Upon passage of this section, 5 directors shall be appointed to an initial term on the board of the Pease development authority as follows:

- (a) One director by the governor and executive council;
- (b) One director by the president of the senate;
- (c) One director by the speaker of the house of representatives;
- (d) One director by board of selectmen of the town of Newington; and
- (e) One director by the mayor and city council of the city of Portsmouth. The

directors appointed by the president of the senate and the speaker of the house of representatives, and by the governor and executive council shall be appointed to an initial term of 3 years; and the directors appointed by the city of Portsmouth and the town of Newington shall be appointed to an initial term of 2 years. Subsequent appointments to the board and terms of office of the directors shall be governed by the provisions of RSA 12-G:4.

II. Within 30 days of the effective date of this section the governor, president of the senate and speaker of the house of representatives or their designees shall unanimously appoint a resident of Strafford county as a director of the authority, who shall have an initial term of 3 years. The mayor and city council of the city of Portsmouth and the board of selectmen of the town of Newington shall appoint a director who shall have an initial term of 2 years. For the purposes of this paragraph, the governor shall have one vote, the president of the senate shall have one vote, the speaker of the house of representatives shall have one vote, the mayor and city council of the city of

Portsmouth shall have one vote, and the board of selectmen of the town of Newington shall have one vote. Subsequent appointments to the board and terms of office of the directors shall be governed by the provisions of RSA 12-G:4.

III. Directors appointed by state appointing authorities pursuant to paragraphs I and II may be removed from office in accordance with the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities. The directors of the authority shall not be empowered to exercise any authority or power of the authority or to carry on any other business of the authority prior to July 1, 1990.

5 Powers and Duties of Port Authority; Land Transportation Facilities. RSA 271-A:2, IV is repealed and reenacted to read as follows:

IV. Plan, develop, maintain, use and operate land transportation facilities within a 15 mile radius of the port authority headquarters at Portsmouth, except for any such facilities presently or formerly within the confines of Pease Air Force Base or Department of Defense facilities used in support of Pease Air Force Base; and maintain, use and operate a heliport facility on property owned or controlled by the port authority. The authority shall cooperate with departments, agencies, authorities or commissions of the federal, state or local governments and accept grants, aid or services from such agencies in the carrying out of this purpose. Such authorization relating to land transportation and heliport facilities shall include and be governed by all other provisions of this chapter.

6 Repeal. The following are hereby repealed:

I. 1975, 351, relative to the closing of Pease Air Force Base.

II. 1989, 3, relative to the Pease Air Force Base redevelopment commission.

7 Termination. All committees and subcommittees established by the Pease Air Force Base redevelopment commission pursuant to 1989, 3, are terminated.

8 Exemption From Classified Service. Amend RSA 21-I:49 by inserting after paragraph VI the following new paragraph:

VII. Personnel of the Pease development authority.

9 Public Employee. Amend RSA 273-A:1, IX(c) and (d) to read as follows:

(c) Persons whose duties imply a confidential relationship to the public employer; [or]

(d) Persons in a probationary or temporary status, or employed seasonally, irregularly or on call. For the purposes of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer, nor shall any employee be determined to be in a temporary status solely by reason of the source of funding of the position in which he is employed[.] *or*

(e) Persons employed by the Pease development authority.

10 Public Employer. Amend RSA 273-A:1, X to read as follows:

X. "Public Employer" means the state and any political subdivision thereof, any quasi-public corporation, council, commission, agency or authority, and the state university system, *but not the Pease development authority.*

11 New Subparagraph; Exempted from RSA 541-A. Amend RSA 541-A:10 by inserting after subparagraph (m) the following new subparagraph:

(n) RSA 12-G, relative to the Pease development authority.

12 Appropriation. The sum of \$200,000 for the fiscal year ending June 30, 1991, is appropriated to the Pease development authority for the purposes of this act. The

governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

13 Effective date.

I. Sections 4 and 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill establishes the Pease Air Force Base development authority. The authority shall be governed by a board consisting of 7 directors.

The bill outlines the duties and powers of the authority, including the power to issue bonds for the purposes of the authority.

The bill provides a formula for the distribution of excess revenues of the authority.

The bill repeals all previous session laws relative to the transition of Pease Air Force Base and the Pease redevelopment commission.

An appropriation is requested in this bill.

Amendment adopted.

Rep. Fraser offered an amendment, spoke to his amendment and the bill, and yielded to questions.

Amendment

Amend RSA 12-G:8, I as inserted by section 1 of the bill by replacing it with the following:

I. The authority may hire, fix and pay compensation, prescribe duties and qualifications and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the authority shall be deemed an employee at will and shall serve at the pleasure of the authority.

Amend the bill by deleting sections 9 and 10 and renumbering sections 11-13 to read 9-11, respectively.

Amendment adopted.

Rep. Lawrence Chase spoke in favor of the report.

Rep. Parr moved that the remarks of Rep. Lawrence Chase on SB 351 be printed in the Journal.

Adopted.

Mr. Speaker and members of the House: I rise today in support of SB 351 as amended by the House. The closing and the redevelopment of Pease Air Force Base is the most important development to take place in New Hampshire now and for many years to come.

I think it is so important that it should be duly recorded in history because of the magnitude of this change that we are about to see. Therefore, because of all the individuals in government and in the private sector who have worked for many months on this piece of legislation, I ask that the House give unanimous consent for its approval and I ask for a roll call vote.

A roll call was requested. Sufficiently seconded.

YEAS 325 BELKNAP

Campbell, Richard H., Jr.
Locke, Matthew J.
Rice, Thomas, Jr.
Salatiello, Thomas
Ziegra, Alice S.

Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence
Turner, Robert H.

Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
Vogler, Charles C.

CARROLL

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Foster, Katherine Davis
Hill, Douglas E.
Laurent, John J.
Morse, Jo-Ann T.
Pierce, David A.
Young, David A.

Blacketor, Paul G.
Delano, Robert F.
Gordon, Irvin H.
Hunt, John B.
Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Stacey W.
Eaton, Daniel Adams
Grodin, Richard A.
LaMar, David M.
Metzger, Katherine H.
Perry, David M.
Spear, Susan

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald
Theriault, Romeo J.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Copenhaver, Marion L.
Driscoll, William J.
LaMott, Paul I.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Guest, Robert H.
Nordgren, Sharon
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Christy, C. Dana
Dow, David
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Barry, Vivian
Bourque, Ann J.
Cote, David E.
Desrochers, Gerard T.
Dodge, Emma M.
Drolet, Paul L.
Dykstra, Leona
Flood, Jacqueline J.
Frank, Nancy G.

Alukonis, David J.
Baldizar, Barbara J.
Bicknell, Robert C.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrosiers, William J.
Domaingue, Jacquelyn
Dube, Ellen C.
Elliott, Larry G.
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.

Amidon, Eleanor H.
Barry, Janet Gail
Biondi, Christine A.
Burkush, Peter
Cox, Gladys M.
Dionne, Paul R.
Donovan, Francis X.
Dyer, Merton S.
Fields, Dennis H.
Ford, Nancy M.
Gerow, Sezen M.

Goulet, Maurice E.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Eva M.
Lefebvre, Roland J.
Mason, Howard F.
McNerney, Daniel P.
Moore, Elizabeth A.
Nardi, Theodora P.
Packard, Bonnie B.
Perham, Lester R.
Reidy, Frank J.
Sallada, Roland A.
Steiner, Lee Anne
Turgeon, Roland M.
Vanderlosk, Stanley R.
Young, Willard N.

Green, Scott E.
Haettenschwiller, A. A.
Holden, Carol H.
Jasper, Shawn N.
Johnson, Lionel W.
King, John A.
Kurk, Neal M.
Lawrence, Norman B.
Lown, Elizabeth
McCann, Bonnie Lou
McRae, Karen
Morrissette, Roland
O'Rourke, JoAnne A.
Pappas, Toni
Pignatelli, Debora B.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.
Wheeler, David K.

Grip, Robert H.
Hall, Betty B.
Hultgren, David D.
Jean, Romeo W.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Leclerc, Charles J.
Lozeau, Donnalee
McDowell, James E.
Messier, Irene M.
Murphy, Robert E.
Ouellette, Robert O.
Paquette, Rodolphe G.
Record, Alice Barnard
Riley, Frances L.
Smith, Leonard A.
Toomey, Daniel
Upton, Barbara Allen
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Barberia, Richard A.
Bennett, J. Allen
Carter, Susan D.
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Jacobson, Alf E.
Lockwood, Robert A.
Phelps, James D.
Smith, Gerald R.
Teague, Bert
Wallner, Mary Jane

Apple, Lowell D.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Daneault, Gabriel
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Pantzer, Eugene
Provencal, Leo A.
Soldati, Jennifer
Tolpin, Richard W.
West, George M.

Asplund, Bronwyn L.
Beaton, Nancy
Braiterman, Thea
Dunn, Miriam
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Pfaff, Terence R.
Shaw, Randall F.
Stio, Peter M.
Trombly, Rick A.
Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Marilyn R.
Conroy, Janet M.
Drake, Herbert R.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Hynes, Carolyn E.
Katsakiores, George N.
Klemarczyk, Thaddeus E.

Bell, Juanita
Brown, Lewis W.
Caswell, Albert, Jr.
Cooke, Annette M.
Dube, LeRoy S.
Flanagan, Natalie S.
Ford, Bert H.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
Johnson, Robert A.
Katsakiores, Phyllis
Klemm, Arthur P., Jr.

Benton, Richardson D.
Campbell, Eunice M.
Chase, Lawrence A., Jr.
Cote, Patricia L.
Felch, Charles H., Sr.
Flanders, Harry E.
Gage, Beverly A.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Kane, Cecelia D.
King, Roger C.
Lovejoy, Virginia K.

MacDonald, Joseph A.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Micklon, Stephanie K.
 Parsons, Robert F.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Sherburne, John L.
 Splaine, John E., Sr.
 Vaughn, Charles L.
 Welch, David A.

MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Ritzo, Eugene
 Senter, Marilyn P.
 Skinner, Patricia M.
 Sytek, Donna
 Warburton, Calvin
 Wells, Henry E.

Mace, Ada L.
 McCain, William F.
 McKinney, Betsy
 Parr, Ednapearl F.
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Seward, Russell G.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Weddle, Michael Rodney
 Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Anita A.
 Frechette, Roland A.
 Kinney, Paula J.
 Merrill, Amanda
 Parks, Joe B.
 Spencer, Leo J.
 Swope, Warren L.
 Tsiros, William
 Wheeler, Katherine Wells

Bernard, Mary E.
 Burton, Wayne M.
 Flynn, Edward J.
 Gilmore, Gary
 Marston, Robert E.
 Musler, George T.
 Pelley, Janet R.
 Stewart, Glenn W.
 Torr, Ann M.
 Vincent, Francis C.
 Young, John B.

Bickford, Drucilla
 Dionne, Albert J.
 Foss, Patricia H.
 Keans, Sandra Balomenos
 Martling, W. Kent
 O'Brien, John
 Scharff, Thomas Edward
 Sullivan, Henry P.
 Torr, Ralph W.
 Wall, Janet G.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Burling, Peter Hoe
 Hinrichsen, Keith
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

NAYS 2 CHESHIRE

Cole, Kenneth A.

HILLSBOROUGH

Pepino, Leo P.,
 Amendment adopted.

Referred to Appropriations.

Rep. Kenneth Cole notified the Clerk that he inadvertently voted nay, and meant to vote yea.

Reps. MacKinnon and Maviglio wished to be recorded in favor of the report.

The Speaker addressed the House.

Rep. Burns moved that the remarks of the Speaker be printed in the Journal.
 Adopted.

At this time I would just like to state a few words about this bill because I feel this is by far the most important piece of legislation we have to address this session. I think, quite frankly, with the turmoil there was when we received the bill, that we should feel very good that the compromise on the Commission membership of the new Authority has been reached and that we have solved the problems of taxation through our

Committee process here in the House. The question on zoning has been answered and I think very correctly.

I think it is of the utmost importance that the House has put on an amendment that is going to keep that section of the airbase west of MacIntyre Road in its present state for posterity and for the many generations to come and for wildlife.

Certainly, many of us are aware that eagles nest in that area. We can all be proud that we've been able to put that into the legislation.

I think that the Subcommittee headed by Rep. Fraser and his full Committee have done an outstanding job. For them to sit down and work with the FAA, the Governor's office, the Senate office and the Attorney General's office and come out with a proposal that is so well accepted.

Rep. Fraser addressed the House.

Rep. Burns moved that the remarks of Rep. Fraser be printed in the Journal.

Adopted.

Thank you, Mr. Speaker. My colleagues in the House, I am just so grateful to all of you for the support you have given the Commerce Committee, especially this afternoon with your vote.

But, obviously Leo Fraser alone, or Leo Fraser with Dana Christy and Pat Fair alone, or with the Commerce Committee alone could not have accomplished what we have accomplished. I would like to take this opportunity to acknowledge some of the other folks who were with us every step of the way; who were very interesting in a process. I think all three of our subcommittee members felt it was a labor of love.

I start by recognizing Reps. Charles Vaughn and Larry Chase from the seacoast area. They stayed with us; every time we met they were there. We had Laurie Platt representing the Speaker. We had Ken Murphy representing the President of the Senate. We had Attorney Peter Laughlin representing the town of Newington. We had Attorney Bob Sullivan representing the city of Portsmouth. Our committee researcher, Pam Smarling, was fantastic.

But there are two persons who had more to do with the success of this bill than anyone. First, I want to acknowledge Assistant Attorney General Bob Cheney. Without this man we would still be taking attendance.

Last, but not least, the man who guided me, counseled me, made several trips to the seacoast area to let people know what we were up to, was our own Speaker of the House, Doug Scamman. Without him, it just couldn't have happened.

Rep. Hager moved that the Rules be so far suspended so as to permit the Committee on Appropriations to hold hearings on SB 351, relative to the Pease Air Force Base Development Authority and making an appropriation therefor, without proper notice in the calendar.

Adopted by the necessary two-thirds.

ENROLLED BILLS REPORT

HB 95, relative to eligibility criteria for AFDC recipients.

HB 1191, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor.

HB 1257, relative to motor vehicle road tolls.

SB 335, relative to the department of libraries, arts, and historical resources.

HB 1029, relative to the sale of venison by licensed propagators.

HB 1110, relative to the election of Sullivan and Belknap County commissioners.

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner.

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors.

HB 1240, relative to the purchase and distribution of drugs for the control of infectious diseases.

HB 1261, relative to data collection from ambulatory care facilities.

HB 1299, relative to enhanced sentences for "hate crimes."

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 3 at 1:00.

Adopted.

LATE SESSION

Rep. LaMott moved that the remarks of the Speaker commending Rep. Densmore be printed in the Journal.

Adopted.

The Chair would like to announce and publicly commend Rep. Ned Densmore. It was noted in the paper today that he has been selected as New Hampshire's Small Businessman of the Year by the Small Business Administration. I'm sure that's not because of his stature but because of the great job he has done in running his business.

As most of you know, I was away this weekend in Washington, D.C. While I was there, I bumped into someone who said they liked vacationing in New Hampshire and one of the things they enjoy immensely is going into that great bookstore in Littleton, New Hampshire. And they didn't know who you (Ned) were or that you were a member of the House when they were talking to me. Your fame is beyond the borders of New Hampshire.

Rep. Fraser moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 2:00 p.m.

RECESS

Rep. Sytek moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Tuesday, April 3, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Jonathan T. Lange of the Bedford Presbyterian Church, guest of Rep. Upton.

O God, You are not exactly the Wizard of Oz, of course. And the Emerald City is yet afar, far off. But we confess that we who undertake the legislative journey here, day after day, are only a little different from those four characters who made their ways along the Yellow Brick Road with all its terrors, overwhelming frustrations and liberating joys.

Give to all Your children, we pray, across this planet, throughout this state and in this room wisdom, compassion and confidence. But help us, too, to realize that things like a brain, a heart, and courage are never quite had as gifts, but are always earned.

Give to each of us the revelation that courage is hers who with her scalp cold with fear yet acts bravely. A brain, a real brain is his who knows that he is as much a fool as a Scarecrow, yet manages somehow to do all that a Scarecrow can do. A heart is theirs who are willing to let it be broken.

And most of all, help us comprehend Your love for all who are foolish, stiff, fearful and homeless; and that we are among them. We are the ones who are lost, needing to get back home. Home, which for us all is never quite the Land of Oz for all its loveliness, but instead a kind of farm on the prairie, where life is not easy and cyclones often darken the sky. Home where You are. Amen.

Rep. Guay led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Drabinowicz, Drake, Holbrook, Lachance, Lewis, Mayhew, Pratt, Sander-son and Soucy, the day, illness.

Reps. Avery, Lionel Boucher, Beaton, Haynes, Prestipino, Provencal, Ritzo, Rodgers, Swope, Toomey, Ralph Torr and Tyree, the day, important business.

INTRODUCTION OF GUESTS

Silas Bell, husband of Rep. Bell; Delegation from the New Hampshire Congress of Parents and Teachers, guests of Rep. Holden; six members of Salem Artists Association, guests of Rep. Micklon; Goldie Small of Greenland, guest of Rep. Pantelakos; Mary Anfuso, guest of Rep. Frank; J. P. Morgan, Angela Stansen, Katja Pieper, an exchange student from Hamburg, Germany, guests of Rep. Harry Flanders.

The Derry Delegation offered the following:

RESOLUTION NO. 60

commending the boys' varsity basketball team of Pinkerton Academy

WHEREAS, the boys' varsity basketball team of Pinkerton Academy, on March 16, 1990 defeated Manchester Central High School, 62-54, to win the New Hampshire Class L title, and

WHEREAS, Pinkerton Academy was seeded first in the 1990 championship tournament, and before reaching the final round first had to defeat Nashua and Concord, and

WHEREAS, the win boosted the Pinkerton Academy boys' basketball record to twenty-two wins against only one loss while extending the team's Class L win streak to nineteen games, and,

WHEREAS, during the championship season, the Pinkerton Academy boys' basketball team averaged more than seventy-two points per game, while holding the opposition to an average of less than fifty-four points per game, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Tony Carnouale and Assistant Coaches John Barry, Bruce Berchtold, Bill Rioux, Peter Rosinski and Steve Skoby, and led by Co-Captains Gary Bergeron and Andy Dumas, and

WHEREAS, the members of the 1990 championship team have brought great honor to their school, their families and their community, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the boys' varsity basketball team of Pinkerton Academy be saluted and recognized for winning the 1990 Class L State Championship, and be it further

RESOLVED, that the players and coaches receive highest praise and accolades for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Pinkerton Academy.

Adopted.

SENATE MESSAGES REFERRED FOR INTERIM STUDY

HB 1244, relative to municipal charters and to extending the time for the filing of a report by the municipal charter study committee.

NONCONCURRENCE

HB 1375, relative to impact fee legislation.

HB 1236, relative to the fish and game commission.

HB 1351, relative to employment termination.

CONCURRENCE

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement.

HB 1285, relative to agricultural labor and unemployment compensation.

HB 1143, relative to registration and operation of OHRVs.

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel.

HB 1025, relative to limited liability for volunteers.

HB 1384, relative to use of genetic test results as evidence in paternity proceedings.

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.

HB 1117, relative to children attending camp facilities.

HB 1118, relative to the disabled.

HCR 11, relative to rural hospitals.

HCR 12, relative to the AIDS virus.

HB 1193, relative to wage withholding.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1228, relative to preparation of master jury lists by computer. (Amendment printed SJ 12, 3/15/90)

Rep. Thomas Gage moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Record, Lozeau, Hollingworth and Jasper.

HB 1344, relative to least cost planning by electric utilities. (Amendment printed SJ 15, 3/27/90)

Rep. Rodeschin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rodeschin, Vogler, Weyler and Amanda Merrill.

HB 1353-FN, relative to the oversight committee on health and human services. (Amendment printed SJ 14, 3/22/90)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Pappas, Frank and Micklon.

HB 1441-FN, relative to medicaid fraud. (Amendment printed SJ 14, 3/22/90)

Rep. Thomas Gage moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Burling, Ann Torr and Nancy Ford.

HB 1227-FN, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect. (Amendment printed SJ 8, 2/08/90)

Rep. Bean moved that the House concur.

Adopted.

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price. (Amendment printed SJ 13, 3/20/90)

Reps. Fraser and Kidder moved that the House concur.

Adopted.

HB 1152, relative to confidentiality of information regarding videotape rentals. (Amendment printed SJ 15, 3/27/90)

Rep. Fraser moved that the House concur.

Adopted.

HB 1099, relative to controlled drugs and pharmacy licensing. (Amendment printed SJ 15, 3/27/90)

Rep. Sochalski moved that the House concur.

Adopted.

HB 1424-FN, regulating abortions. (Amendment printed SJ 9, 2/15/90)

Rep. Thomas Gage moved that the House concur and spoke to his motion.

Rep. Jasper spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 200 BELKNAP

Campbell, Richard H., Jr.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Salatiello, Thomas
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Foster, Katherine Davis
Hunt, John B.
Morse, Jo-Ann T.
Young, David A.

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
LaMar, David M.
Pearson, Gertrude B.

Cole, Kenneth A.
Eaton, Daniel Adams
Hill, Douglas E.
Metzger, Katherine H.
Spear, Susan

COOS

Burns, Harold W.
Merrill, Gerald
Woodburn, Jeffrey R.

Horton, Lynn C.
Nelson, Harold D.

Kilbride, Dennis J.
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Guest, Robert H.
Rose, William B.
Teschner, Douglass P.
White, Paul R.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
LaMott, Paul I.
Scanlan, David M.
Wadsworth, Karen O.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Nordgren, Sharon
Stewart, Roger
Ward, Kathleen W.

HILLSBOROUGH

Alukonis, David J.
Barry, Janet Gail
Cote, David E.
Dube, Ellen C.
Dykstra, Leona
Green, Scott E.
Hanselman, Gregory L.
Knight, Alice Tirrell
Lown, Elizabeth
McCann, Bonnie Lou
Moore, Elizabeth A.
Paquette, Rodolphe G.
Robinson, Ellen-Ann
Steiner, Lee Anne
Upton, Barbara Allen

Amidon, Eleanor H.
Barry, Vivian
Cowenhoven, Garret P.
Dwyer, Patricia R.
Ford, Nancy M.
Haettenschwiller, A. A.
Jenkins, Mary
Kurk, Neal M.
Lozeau, DonnaLee
McRae, Karen
Murphy, Robert E.
Pignatelli, Debora B.
Sallada, Roland A.
Stiles, Walter A.

Baldizar, Barbara J.
Burkush, Peter
Daigle, Robert Arthur
Dyer, Merton S.
Gerow, Sezen M.
Hall, Betty B.
Johnson, Lionel W.
Lachut, Ervin R.
Mason, Howard F.
Messier, Irene M.
Pappas, Toni
Record, Alice Barnard
Smith, Leonard A.
Tarpley, Nancy L.

MERRIMACK

Anderson, Eleanor M.
 Bennett, J. Allen
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Pantzer, Eugene
 Teague, Bert

Apple, Lowell D.
 Braiterman, Thea
 Fillion, Paul R.
 Gross, Caroline L.
 Hayes, Robert C.
 Johnson, C. William
 Millard, Elizabeth S.
 Smith, Gerald R.
 Wallner, Mary Jane

Bardsley, Elizabeth S.
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Nichols, Avis B.
 Soldati, Jennifer
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Lewis W.
 Cote, Patricia L.
 Ford, Bert H.
 Greene, Elizabeth A.
 Klemm, Arthur P., Jr.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Popov, Elizabeth M.
 Schmidtchen, Rowland
 Simon, Peter M.
 Weddle, Michael Rodney

Bell, Juanita
 Campbell, Marilyn R.
 Flanders, Harry E.
 Gage, Beverly A.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 MacKinnon, Nancy W.
 McCain, William F.
 Pantelakos, Laura C.
 Remick, Barbara R.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Wells, Henry E.

Blanchard, MaryAnn N.
 Conroy, Janet M.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Johnson, Robert A.
 MacDonald, Joseph A.
 Mace, Ada L.
 McGovern, Cynthia A.
 Parr, Edna Pearl F.
 Rosencrantz, James R.
 Sherburne, John L.
 Vaughn, Charles L.
 Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Foss, Patricia H.
 Kinney, Paula J.
 Parks, Joe B.
 Spencer, Leo J.
 Vincent, Francis C.

Bickford, Drucilla
 Flynn, Anita A.
 Gilmore, Gary
 Merrill, Amanda
 Pelley, Janet R.
 Stewart, Glenn W.
 Wheeler, Katherine Wells

Brown, Julie M.
 Flynn, Edward J.
 Keans, Sandra Balomenos
 Musler, George T.
 Scharff, Thomas Edward
 Torr, Ann M.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith
 Stamatakis, Carol M.

Burling, Peter Hoe
 Krueger, Richard H.

Harland, Jane A.
 Schotanus, Merle W.

**NAYS 135
BELKNAP**

Bolduc, Dennis R.
 Rosen, Ralph J.

Golden, Paul A.

Rice, Thomas, Jr.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Cole, Stacey W.
 Laurent, John J.

Doucette, Richard F.
 Pierce, David A.

Gordon, Irvin H.
 Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Theriault, Romeo J.

Buckley, C. Fitzgerald, III
Lemire, George

Dumont, Robert E.
Marsh, Beaton

GRAFTON

Driscoll, William J.
Shackett, Ralph E.

Hill, Richard L.
Townsend, Howard C.

Markley, J. Keith
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Biondi, Christine A.
Brady, Carolyn L.
Desrosiers, William J.
Domaingue, Jacquelyn
Elliott, Larry G.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Lawrence, Norman B.
McDowell, James E.
Nardi, Theodora P.
Packard, Bonnie B.
Reidy, Frank J.
Schneiderat, Catherine
Vanderlosk, Stanley R.
Wright, George W.

Andrews, Frederick B.
Bourque, Ann J.
Cox, Gladys M.
Dionne, Paul R.
Donovan, Francis X.
Emerton, Lawrence
Foote, Herbert N., Sr.
Goulet, Maurice E.
Healy, Daniel J.
Hunter, Bruce F.
Keefe, Edmund M.
Kress, Gloria W.
Leclerc, Charles J.
McNerney, Daniel P.
O'Rourke, JoAnne A.
Pepino, Leo P.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Wheeler, David K.
Young, Willard N.

Bicknell, Robert C.
Bowers, Dorothy C.
Desrochers, Gerard T.
Dodge, Emma M.
Drolet, Paul L.
Fields, Dennis H.
Frank, Nancy G.
Grip, Robert H.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.
Lawrence, Eva M.
Lefebvre, Roland J.
Morrissette, Roland
Ouellette, Robert O.
Perham, Lester R.
Riley, Frances L.
Turgeon, Roland M.
Wihby, Linda S.

MERRIMACK

Barberia, Richard A.
Daneault, Gabriel
Phelps, James D.
Whittemore, James A.

Boucher, Laurent J.
Holmes, Mary C.
Shaw, Randall F.

Carter, Susan D.
Pfaff, Terence R.
Stio, Peter M.

ROCKINGHAM

Benton, Richardson D.
Campbell, Eunice M.
Dube, LeRoy S.
Flanagan, Natalie S.
Hynes, Carolyn E.
King, Roger C.
McCarthy, John James, Jr.
Parsons, Robert F.
Sochalski, Matthew M.
Warburton, Calvin

Boucher, William Paul
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Gourdeau, Raymond H.
Kane, Cecelia D.
Klemarczyk, Thaddeus E.
McKinney, Betsy
Raynowska, Bernard J.
Splaine, John E., Sr.
Welch, David A.

Brown, Jeffrey M.
Cooke, Annette M.
Fesh, Robert M.
Hoelzel, Kathleen M.
Katsakiores, George N.
Magoon, Harold F.
Palazzo, Frank J., Sr.
Seward, Russell G.
Sytek, Donna

STRAFFORD

Bernard, Mary E.
 Frechette, Roland A.
 Tsiros, William

Callaghan, Robert J.
 Marston, Robert E.

Dionne, Albert J.
 Sullivan, Henry P.

SULLIVAN

Domini, Irene C.
 Middleton, John A.

Flint, Gordon B.
 Peyron, Fredrik

MacAskill, Kenneth M.
 Rodeschin, Beverly T.,

and the motion was adopted.

Rep. Wall notified the Clerk that she wished to be recorded in favor of concurrence.

Rep. Paquette notified the Clerk that he inadvertently voted yea and meant to vote nay.

HB 1158-FN, relative to protecting the United States flag from desecration when it is properly displayed on public or private property. (Amendment printed SJ 14, 3/22/90)

Rep. Benton moved that the House concur.

Adopted.

HB 1189-FN, relative to reimbursement for acts which require public agency response services. (Amendment printed SJ 13, 3/20/90)

Rep. Benton moved that the House concur.

Adopted.

HB 442-FN-A, establishing a lakes management and protection program. (Amendment printed SJ 15, 3/27/90)

Reps. Dickinson and LaMott moved that the House concur.

Adopted.

HB 1052, authorizing withdrawal of water from Lake Sunapee and Echo Lake for the ski resorts. (Amendment printed SJ 15, 3/27/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1122-FN, establishing a study committee on the best use of the Kona Wildlife Area in the town of Moultonborough. (Amendment printed SJ 15, 3/27/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1219-FN, relative to the oil discharge and disposal cleanup fund. (Amendment printed SJ 15, 3/27/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1309, authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snowmaking. (Amendment printed SJ 15, 3/27/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1404-FN-A, establishing a study committee on shoreland protection and standards for such protection. (Amendment printed SJ 10, 3/08/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility. (Amendment printed SJ 15, 3/27/90)

Rep. Rodeschin moved that the House concur.

Rep. Vogler yielded to questions.

On a division vote, 195 having voted in the affirmative and 117 in the negative, the motion was adopted.

Rep. Marilyn Campbell abstained from voting under Rule 16.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Burns moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 390, relative to laws regarding abuse and neglect of children, was removed at the request of Rep. Jacobson.

Adopted.

SB 325, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes a committee to study the Law of Mechanics' Liens and the Foreclosure of Mortgages. The amendment changes the members of the study committee to three Representatives and three Senators appointed by the Speaker and the Senate President. The committee shall report its findings and recommendations for legislation to be introduced in the 1991 legislative session on or before October 1, 1990. Vote 13-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Committee Established.

I. There is established a committee to study the law of mechanics' liens and the foreclosure of mortgages. The committee shall consist of 3 representatives, appointed by the speaker of the house and 3 senators, appointed by the senate president.

II. Committee members shall receive legislative mileage at the legislative rate.

III. The committee shall meet within 30 days of the effective date of this act. The committee shall choose a chairperson and a vice-chairperson at its first meeting. The first meeting shall be called by a senate member.

IV. The committee shall submit a report of its findings and recommendations for legislation to be introduced in the 1991 legislative session to the senate president and the speaker of the house on or before October 1, 1990.

SB 336, relative to the statute of limitations on prosecutions for bad checks. **OUGHT TO PASS.**

The statute of limitations on prosecutions for bad checks is extended to six months versus three months. This allows businesses to work more readily with the consumer and will reduce potential court actions. Vote 12-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

SB 362, relative to reporting requirements for political committees. **INEXPEDIENT TO LEGISLATE.**

Senate Bill 362 contains issues which are a part of HB 575; therefore, this bill is not needed. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

SB 383-FN, relative to a vocational center in Claremont. OUGHT TO PASS.

This bill requires that the plans for the vocational center to be built in Claremont be developed so as to plan for the incorporation of such center into a comprehensive high school complex to be built in the future. The money is already appropriated in House Bill 1350. Vote 14-0. Rep. Gertrude B. Pearson for Education.

SCR 1, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools. INEXPEDIENT TO LEGISLATE.

The Committee feels there is no need for such legislation. It already is covered under RSA 189:11, and mandates that regular courses of instruction be taught in the history, government and the Constitutions of both the United States and New Hampshire in all public and private schools. Vote 15-0. Rep. Robert H. Guest for Education.

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists. OUGHT TO PASS WITH AMENDMENT.

Senate Bill 380 continues the work of the committee studying the possibility of modifying the Board of Natural Scientists. The amendment adds one member to the committee membership who is a hydrologist or hydrogeologist. Vote 11-0. Rep. Wayne M. Burton for Executive Departments and Administration.

Amendment

Amend paragraph IV of section 1 of the bill by replacing it with the following:

IV. Two representatives of non-consulting geology interests, such as the teaching profession or state or federal service, one of whom shall be a geologist and one of whom shall be a hydrologist or hydrogeologist, appointed by the state geologist.

SB 358, modifying the subdivision approval process for minor subdivisions. INEXPEDIENT TO LEGISLATE.

Planning Boards are appointed or elected and represent the municipalities in all legal undertakings related to planning and zoning. They should not be circumvented with the excuse of expediting matters. If authority to grant minor subdivisions were given to the town planner, professional staff or designee, decision-making authority would then come under the direction of town or city employees. Planning regulations are serious matters which merit proper public deliberations, not administrative decision-making. Vote 14-0. Rep. John A. Middleton for Municipal and County Government.

SB 359, relative to modifying planning board procedures on plats. OUGHT TO PASS WITH AMENDMENT.

The bill eliminates the requirement that the applicant must appeal to the Superior Court over the failure of the Planning Board to act. It gives the selectmen or city or town council jurisdiction to approve a plat if the Planning Board does not act within the allowable time frame. Vote 12-0. Rep. Katherine H. Metzger for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Planning Board Procedure on Plats. RSA 676:4, I(c) is repealed and reenacted to read as follows:

(c)(1) The board shall begin formal consideration of the application within 30 days after submission of the completed application. The board shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 90 days after submission of the completed application, subject to extension or waiver as provided in subparagraph (f). Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30 day time period, then within 45 days of the issuance of the order, the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 45 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all proposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the selectmen or city council to issue an order to the planning board under subparagraph (1), or to certify approval of the plan upon the planning board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

2 Recording Plats; References Added. Amend RSA 674:37 to read as follows:

674:37 Recording of Plats. After the certificate or notice referred to in RSA 674:35, II and the regulations referred to in RSA 674:36 have been filed with the appropriate recording officials, no plat shall be filed or recorded unless it is prepared and certified by a licensed land surveyor, and until it has been approved by the planning board and such approval has been endorsed in writing on the plat in such manner as the planning board may designate, except as provided in RSA 676:18, II and III and ***RSA 676:4, I(c)***. The filing or recording of a plat of a subdivision without the requisite approval of the planning board, or which has not been prepared and certified by a licensed land surveyor, shall be void.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the process for planning board approval or disapproval of plats. If the planning board fails to approve or disapprove the application, the selectmen or city council are authorized, upon the request of the applicant, to issue immediately an order directing the board to act on the application within 30 days. Failure of the planning board to comply with such order of the selectmen or city council within 45 days of the issuance of the order shall mean the application is approved, unless within those 45 days, the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply.

The bill eliminates the requirement that the applicant must appeal to the superior court over the failure of the planning board to act.

SB 361, relative to radon gas and lead paint. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, requires notification of the potential hazards of radon and lead in buildings in purchase and sales agreements for real estate containing buildings. Vote 8-0. Rep. Charles C. Vogler for Science, Technology and Energy.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Notification of Radon Gas and Lead Paint. Amend RSA 477 by inserting after section 4 the following new section:

477:4-a Notification Required; Radon Gas and Lead Paint.

I. Every contract for the purchase and sale of an interest in real property which includes a building shall contain the following notification:

“Radon Gas: Radon gas, the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. This gas may pass into a structure through the ground or through water from a deep well. Testing can establish its presence and equipment is available to remove it from the air or water.

Lead Paint: Before 1977, paint containing lead may have been used in structures. The presence of flaking lead paint can present a serious health hazard, especially to young children and pregnant women. Tests are available to determine whether lead is present.

The buyer acknowledges that the buyer has read the above information and is aware of the potential hazards of radon and lead.

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I.

2 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires that a notice be included in every contract for the purchase and sale of an interest in real property which includes a building. The notice shall state certain information on the hazards of and testing possibilities for radon gas and lead paint in buildings.

REGULAR CALENDAR

SB 321, relative to group health insurance. OUGHT TO PASS WITH AMENDMENT.

This bill requires approval by the Insurance Commissioner of all group or blanket accident and health insurance policies and certificates delivered in this state. It also extends by 13 weeks the length of time an employee may continue his coverage if the coverage is no longer available to him. It also clarifies current statute in that an insurer MAY exclude a part-time employee from disability or income replacement benefits. The bill was requested by the Insurance Department and was not opposed at the public hearing. Vote 12-2. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 415:18, I(r) as inserted by section 2 of the bill by replacing it with the following:

(r) A provision that the validity of the policy shall not be contested except for non-payment of premiums, after it has been in force or 2 years from its date of issue; and that no statement made by any person covered under the policy relating to insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of 2 years during such person's lifetime, nor unless it is contained in a written instrument signed by the person making such statement. No such provision, however, shall preclude the assertion at any time, of defenses based upon the person's ineligibility for coverage under the policy or upon other provisions in the policy, except for any provisions establishing, as a requirement of eligibility, the furnishing of satisfactory evidence of insurability to the insurer.

Amendment adopted.

Ordered to third reading.

Rep. Lozeau moved that **SB 379-FN**, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership, be made a Special Order for the end of the Calendar.

Rep. Fraser spoke in favor of the motion.

On a division vote, 211 members having voted in the affirmative and 112 in the negative the motion was adopted.

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich. **OUGHT TO PASS WITH AMENDMENT.**

This bill had two hearings to accommodate the provision of an amendment to prohibit the use or operation of any boats or other watercraft equipped with any type of power motor, except an electric motor not in excess of 5 horsepower on Garland Pond. The bill further provides for the annexation of certain property in the town of Albany to the town of Sandwich with approval of two-thirds of the voters in each town at their next regular annual town meeting, as provided by RSA 51:9. Vote 10-4. Rep. George M. West for Municipal and County Government.

Amendment

Amend RSA 270:120 as inserted by section 1 of the bill by replacing it with the following:

270:120 Garland Pond. No person shall use or operate a boat or any other watercraft equipped with any type of power motor, except an electric motor not in excess of 5 horsepower, on Garland Pond in the town of Moultonborough. Any person who violates this section shall be guilty of a violation.

Amendment adopted.

Ordered to third reading.

SB 386, relative to the use of public water by the town of Lincoln and by Loon Mountain Recreation Corporation. **OUGHT TO PASS WITH AMENDMENT.**

Senate Bill 386, as amended, authorizes the Town of Lincoln to withdraw water for public water supply purposes from Loon Pond, Boyce Brook and the Pemigewasset River and, upon completion of its new water supply facility, from East Branch Pemigewasset River.

Furthermore, the Loon Mountain Recreation Corporation is authorized to take water from East Branch Pemigewasset River and Boyle Brook, to discharge it into Loon Pond for snowmaking and other activities related to the ski area operations. This

authorization is limited to all applicable conditions and limitations incorporated in any permit issued by or agreements with the United States government or any agency thereof, the State of New Hampshire or the Town of Lincoln. If this authorized withdrawal does not commence within 15 years the authorization expires.

The Department of Environmental Services may require both the Town of Lincoln and Loon Mountain Recreation Corporation to cease or reduce their water withdrawal at any time for the preservation of environmental quality, protection of water quality, regulation of water quantity or protection of habitat. Such an order may be in effect for 10 days unless a hearing is held to extend it.

This bill shall not affect any private rights in these water bodies nor shall it relieve Loon Mountain Recreation Corporation or the Town of Lincoln from compliance with laws or rules under the State's police powers. Vote 12-2. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a public trust grant for the town of Lincoln's water supply
and Loon Mountain Recreation Corporation's snowmaking.

Amend the bill by replacing all after the enacting clause with the following:

1 Town of Lincoln. Consistent with the best interest of the public as a whole and with state ownership or stewardship over such water bodies, the town of Lincoln is hereby authorized to take water for public water supply purposes from Loon Pond, from Boyce Brook and from the Pemigewasset River. Upon construction and operation of its public water supply facility situated in the town of Lincoln, the town is also authorized to take water from the East Branch Pemigewasset River, in such amounts and in such a manner as is permitted by federal, state and local permits issued in connection with such construction and operation. If the New Hampshire department of environmental services determines that cessation, reduction or other modification of such withdrawal is necessary for the preservation of environmental quality, protection of water quality, regulation of water quantity, or protection of habitat, the town of Lincoln shall, pursuant to written notice and order, cease, reduce or modify its withdrawal as directed, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department and a decision is made to extend such order. The department shall adopt rules under RSA 541-A establishing criteria and procedures for issuing such orders for such special hearings and for making such decisions.

2 Loon Mountain Recreation Corporation. Consistent with the best interests of the public as a whole and with state ownership or stewardship over such water bodies, Loon Mountain Recreation Corporation, its successors and assigns, is authorized to take water for purposes of implementing a system of snow making and other activities incident to present use and potential expansion of ski area operations of Loon Mountain Recreation Corporation in Lincoln, from the East Branch Pemigewasset River and Boyle Brook, to discharge such waters into Loon Pond, and to take water from Loon Pond subject to all applicable conditions and limitations incorporated in any permit issued by or agreements with the United States government or any agency thereof, the state of New Hampshire, or the town of Lincoln. If the department of environmental services determines that a cessation, reduction or other modification of such withdrawal is necessary for the preservation of environmental quality, protec-

tion of water quality, regulation of water quantity, or protection of habitat, Loon Mountain Recreational Corporation, its successors and assigns, shall, pursuant to written notice and order, cease, reduce or modify its withdrawal as directed, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department and a decision is made to extend such order. The department shall adopt rules under RSA 541-A establishing criteria and procedures for issuing such orders for such special hearings and for making such decisions. If the water withdrawals authorized hereby for the potential expansion of ski area operations of Loon Mountain Recreation Corporation have not commenced within 15 years of the effective date of this act, such authorization shall expire.

3 Private Rights. This act shall not affect any private right in Loon Pond, Boyce Brook, Boyle Brook, the Pemigewasset River or the East Branch Pemigewasset River and shall not relieve Loon Mountain Recreation Corporation or the town of Lincoln from compliance with laws or rules under the state's police power.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HR 57, requesting the United States Congress to amend the United States Constitution to prohibit flag desecration. **INEXPEDIENT TO LEGISLATE.**

The majority of the Committee feels that the issue is appropriately covered in **HB 1158**, which was passed by the House and is still before both bodies. The intent of amendments to the United States Constitution is to put restrictions on the federal government, not on individual liberties. While the Committee certainly does not condone flag desecration, neither does it want to change the thrust of the Constitution by asking Congress to limit free speech. Our flag is a symbol of free speech and that is one of the reasons we are so proud of it. Vote 6-3. Reps. Susan S. Spear, Matthew M. Sochalski, Edward Densmore, Elizabeth S. Millard, William H. McCann and Roger Stewart for State-Federal Relations.

Rep. Pepino moved that the words, Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Reps. Welch, Jacobson and Burton spoke against the motion.

(Rep. Gross in the Chair)

Rep. Guay spoke in favor of the motion and yielded to questions.

Reps. Paul White and Benton spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 201

NAYS 142

**YEAS 201
BELKNAP**

Bolduc, Dennis R.
Rice, Thomas, Jr.
Vogler, Charles C.

Golden, Paul A.
Richardson, Lawrence
Ziegra, Alice S.

Hawkins, Robert S.
Rosen, Ralph J.

CARROLL

Chandler, Gene G.
Dodge, Arthur G., Jr.

Daly, Robert J., Jr.
Foster, Robert W.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.

CHESHIRE

Blacketor, Paul G.
Delano, Robert F.
Hill, Douglas E.
Perry, David M.
Young, David A.

Cole, Stacey W.
Doucette, Richard F.
Laurent, John J.
Pierce, David A.

Crutchley, Donald O.
Gordon, Irvin H.
Morse, Jo-Ann T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Merrill, Gerald

Burns, Harold W.
Horton, Lynn C.
Nelson, Harold D.

Dumont, Robert E.
Lemire, George
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Christy, C. Dana
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
LaMott, Paul I.
Townsend, Howard C.
Weymouth, Philip H.

Brown, Channing T.
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Andrews, Frederick B.
Bourque, Ann J.
Burkush, Peter
Daigle, Robert Arthur
Dionne, Paul R.
Donovan, Francis X.
Dykstra, Leona
Fields, Dennis H.
Gagnon, Gabrielle V.
Healy, Daniel J.
Jasper, Shawn N.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Norman B.
McDowell, James E.
Murphy, Robert E.
Paquette, Rodolphe G.
Record, Alice Barnard
Sallada, Roland A.
Steiner, Lee Anne
Wheeler, David K.
Young, Willard N.

Bicknell, Robert C.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Dodge, Emma M.
Drolet, Paul L.
Elliott, Larry G.
Foote, Herbert N., Sr.
Grip, Robert H.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Lachut, Ervin R.
Lefebvre, Roland J.
McNerney, Daniel P.
Nardi, Theodora P.
Pepino, Leo P.
Rheault, Lillian I.
Schneiderat, Catherine
Turgeon, Roland M.
Wihby, Linda S.

Biondi, Christine A.
Brady, Carolyn L.
Cox, Gladys M.
Desrosiers, William J.
Domaingue, Jacquelyn
Dyer, Merton S.
Emerton, Lawrence
Frank, Nancy G.
Gureckis, Adam C., Sr.
Hunter, Bruce F.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Eva M.
McCann, Bonnie Lou
Morrissette, Roland
Packard, Bonnie B.
Perham, Lester R.
Riley, Frances L.
Searles, Stanley N., Sr.
Vanderlosk, Stanley R.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Hayes, Robert C.
Lockwood, Robert A.
Shaw, Randall F.
West, George M.

Apple, Lowell D.
Daneault, Gabriel
Holmes, Mary C.
Pfaff, Terence R.
Smith, Gerald R.
Whittemore, James A.

Barberia, Richard A.
Fraser, Leo W., Jr.
Johnson, C. William
Phelps, James D.
Stio, Peter M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Flanders, Harry E.
Gage, Beverly A.
Hynes, Carolyn E.
Katsakiores, George N.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Parsons, Robert F.
Rosencrantz, James R.
Senter, Marilyn P.
Skinner, Patricia M.
Warburton, Calvin

Benton, Richardson D.
Brown, Lewis W.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Thomas U.
Johnson, Robert A.
King, Roger C.
MacKinnon, Nancy W.
McCain, William F.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Scamman, W. Douglas, Jr.
Seward, Russell G.
Stachowske, Vicki
Wells, Henry E.

Boucher, William Paul
Campbell, Eunice M.
Cote, Patricia L.
Flanagan, Natalie S.
Ford, Bert H.
Hoelzel, Kathleen M.
Kane, Cecelia D.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McKinney, Betsy
Pantelakos, Laura C.
Remick, Barbara R.
Schmidtchen, Rowland
Sherburne, John L.
Sytek, Donna
Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Dionne, Albert J.
Kinney, Paula J.
Spencer, Leo J.
Torr, Ann M.
Young, John B.

Bickford, Drucilla
Foss, Patricia H.
Marston, Robert E.
Stewart, Glenn W.
Tsiros, William

Brown, Julie M.
Frechette, Roland A.
Pelley, Janet R.
Sullivan, Henry P.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Middleton, John A.

Hinrichsen, Keith
Peyron, Fredrik

**NAYS 142
BELKNAP**

Campbell, Richard H., Jr.
Pearson, Ralph W.
Turner, Robert H.

Hardy, Earle D.
Randall, Kenneth A.

Maviglio, Steven R.
Salatiello, Thomas

CARROLL

Allard, Nanci A.
Saunders, Howard N.

Olimpio, J. Lisbeth
Wiggin, Allen R.

Powers, Gerard E., Jr.

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine Davis
LaMar, David M.
Pearson, Gertrude B.

Cole, Kenneth A.
Grodin, Richard A.
Matson, William R.
Spear, Susan

Eaton, Daniel Adams
Hunt, John B.
Metzger, Katherine H.

COOS

Buckley, C. Fitzgerald, III
Oleson, Otto H.

Kilbride, Dennis J.
Woodburn, Jeffrey R.

Marsh, Beaton

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.

Chambers, Mary P.
Driscoll, William J.

Copenhaver, Marion L.
Guest, Robert H.

Hill, Richard L.
Rose, William B.

Markley, J. Keith
Scanlan, David M.

Nordgren, Sharon
Stewart, Roger

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Cote, David E.
Flood, Jacqueline J.
Goulet, Maurice E.
Hall, Betty B.
Jenkins, Mary
Leclerc, Charles J.
Mason, Howard F.
Moore, Elizabeth A.
Pappas, Toni
Robinson, Ellen-Ann
Tarpley, Nancy L.

Alukonis, David J.
Barry, Janet Gail
Dube, Ellen C.
Ford, Nancy M.
Green, Scott E.
Hanselman, Gregory L.
Johnson, Lionel W.
Lown, Elizabeth
McRae, Karen
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Smith, Leonard A.
Upton, Barbara Allen

Amidon, Eleanor H.
Barry, Vivian
Dwyer, Patricia R.
Gerow, Sezen M.
Haettenschwiller, A. A.
Holden, Carol H.
Kurk, Neal M.
Lozeau, Donnalee
Messier, Irene M.
Ouellette, Robert O.
Reidy, Frank J.
Stiles, Walter A.

MERRIMACK

Bardsley, Elizabeth S.
Carter, Susan D.
Fillion, Paul R.
Hall, Douglas E.
Kidder, William F.
Pantzer, Eugene
Wallner, Mary Jane

Bennett, J. Allen
Dunn, Miriam
Gilbreth, Robert M.
Hill, Michael
Millard, Elizabeth S.
Soldati, Jennifer

Braiterman, Thea
Fair, Patricia A.
Hager, Elizabeth
Jacobson, Alf E.
Nichols, Avis B.
Teague, Bert

ROCKINGHAM

Bell, Juanita
Caswell, Albert, Jr.
Gourdeau, Raymond H.
Klemm, Arthur P., Jr.
Mace, Ada L.
Parr, Ednapearl F.
Simon, Peter M.
Tufts, J. Arthur
Welch, David A.

Blanchard, MaryAnn N.
Conroy, Janet M.
Greene, Elizabeth A.
Lovejoy, Virginia K.
McCarthy, John James, Jr.
Popov, Elizabeth M.
Sochalski, Matthew M.
Vaughn, Charles L.

Campbell, Marilyn R.
Dube, LeRoy S.
Hollingworth, Beverly A.
MacDonald, Joseph A.
McGovern, Cynthia A.
Roulston, Donald L.
Splaine, John E., Sr.
Weddle, Michael Rodney

STRAFFORD

Bernard, Mary E.
Flynn, Anita A.
Keans, Sandra Balomenos
O'Brien, John
Wall, Janet G.

Burton, Wayne M.
Flynn, Edward J.
Martling, W. Kent
Parks, Joe B.
Wheeler, Katherine Wells

Callaghan, Robert J.
Gilmore, Gary
Merrill, Amanda
Scharff, Thomas Edward

SULLIVAN

Burling, Peter Hoe
Krueger, Richard H.

Flint, Gordon B.
Schotanus, Merle W.

Harland, Jane A.
Stamatakis, Carol M.,

and the substitute motion was adopted.

Ordered to third reading.

(Speaker in the Chair)

SB 390, relative to laws regarding abuse and neglect of children. **OUGHT TO PASS WITH AMENDMENT.**

The primary intent of the bill, as amended, is to tighten existing law concerning proper placement of children who are victims of abuse and neglect. Vote 12-0. Rep. Carolyn L. Brady for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 170-C:5, VI as inserted by section 5 of the bill by replacing it with the following:

VI. If the parent or guardian is, as a result of incarceration for a felony offense, unable to discharge his responsibilities to and for the child and, in addition, has been found pursuant to RSA 169-C to have abused or neglected his child or children, the court may review the conviction of the parent or guardian to determine whether the felony offense is of such a nature, and the period of incarceration imposed of such duration, that the child would be deprived of proper parental care and protection and left in an unstable or impermanent environment for a longer period of time than would be prudent. Placement of the child in foster care shall not be considered proper parental care and protection for purposes of this paragraph. Incarceration in and of itself shall not be grounds for termination of parental rights.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

AMENDED ANALYSIS

This bill makes various changes in laws relative to abuse and neglect of children, including prohibiting in criminal proceedings regarding abuse or neglect allegations, the use of testimony given by parents accused of abuse or neglect in proceedings under the child protection act or during a fair hearing conducted by the division for children and youth services.

The bill adds incarceration of the parent or guardian for a felony offense and for a child's minority as grounds for termination of parental rights, if such parent or guardian has abused or neglected his child or children and if the court finds that the nature of the offense and the duration of the incarceration will deprive the child of proper parental care and protection. Incarceration in and of itself shall not be grounds for termination of parental rights.

Amendment adopted.

Ordered to third reading.

SB 379-FN, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership. **OUGHT TO PASS WITH AMENDMENT.**

This bill repeals four laws that date back to 1981 and replaces them with one consistent, statewide law that affects all places of public access. The current laws are: 1. smoking in a public place; 2. smoking in the workplace; 3. smoking in restaurants; and, 4. smoking in grocery stores. Unfortunately, in many instances these laws actually conflict with each other and, by request of the Division of Public Health, this bill was submitted.

In general, this bill restricts smoking in all public buildings and private workplaces except those areas that are "effectively segregated" and declared "smoking permitted" by the "person in charge." All three of these terms are defined in the law without rulemaking authority. The House amendment substantially corrects the Sen-

ate version including elimination of the right for 25 percent of the employees to request the change in the "person in charge" written policy. All concerns of both the health and business communities have been addressed. This is truly a consensus bill. Vote 13-1. Reps. John B. Hunt, Richard H. Krueger and Robert C. Bicknell for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to indoor smoking.

Amend the bill by replacing all after the enacting clause with the following:

Statement of Intent. The general court finds that smoking in certain facilities, and smoking where it cannot be effectively segregated in other facilities, including places of work, places of public ownership, and enclosed places accessible to the public, is detrimental to the health of all who use such facilities. Therefore, the general court hereby intends that smoking be restricted and regulated in enclosed places of public ownership, of public access, and places of employment to protect the health of the people who use them.

2 New Subdivision; Indoor Smoking. Amend RSA 155 by inserting after section 63 the following new subdivision:

Indoor Smoking Act

155:64 Purpose. The purpose of this subdivision is to protect the health of the public by regulating smoking in enclosed workplaces and enclosed places accessible to the public, regardless of whether publicly or privately owned, and in enclosed publicly owned buildings and offices. This subdivision also regulates smoking in public housing facilities, health care facilities, public primary and secondary educational facilities, and in public conveyances operating within the state. This subdivision shall not be construed as addressing airborne contaminants including toxic, chemical, or biological substances that may be present in indoor air other than tobacco smoke.

155:65 Definitions. In this subdivision:

I. "Cocktail lounge" means only that portion or specified area of a restaurant, hotel, motel, convention center or resort which is used primarily to serve liquor or other alcoholic beverages, irrespective of whether or not food is also served there.

II. "Department" means the department of health and human services.

III. "Director" means the director of the division of public health services or designee.

IV. "Division" means division of public health services, department of health and human services.

V. "Effectively segregated" means the following conditions have been met:

(a) Procedures for accurately and fairly determining preference have been followed;

(b) The size and location of no-smoking and smoking-permitted areas are designed, designated, or juxtapositioned so that smoke does not cause harm or unreasonably intrude into the area occupied by persons who are not smoking;

(c) A contiguous portion of the enclosed public place, including any seating arrangements, measures a minimum of 200 square feet, and at least one of the following 2 contingencies exist:

(1) There is a continuous, physical barrier such as a wall, partition or furnishing at least 56 inches in height to separate the no-smoking area from a smoking-permitted area. The barrier may contain doors or portals for exit and entry; or

(2) There is a space of at least 4 feet in width to separate the smoking-permitted and no-smoking areas. This space may be either an unoccupied area or a section of seating area representing a buffer zone in which smoking is not permitted, but which itself is not part of the no-smoking designated area; and

(d) In buildings where existing ventilation systems are in place, areas designated as smoking areas are located, where reasonably possible, proximate to exhaust vents.

VI. "Enclosed place" means a structurally enclosed location, or portion of such location, enclosed by a floor, ceiling, and 3 or 4 solid walls, partitions, or windows, exclusive of doors or passageways.

VII. "Health care facility" means any enclosed place or portion of such place used for the purpose of providing medical or dental treatment, physical or mental health services, or any combination of such treatment or services. This definition shall include buildings or portions of buildings used exclusively for such purposes and buildings or portions of buildings leased, rented, or otherwise made available for such purposes.

VIII. "Law enforcement authority" means the state, county, city, or town police having authority over a given area in the state.

IX. "Person in charge" means:

(a) For enclosed places that are not publicly owned buildings or offices, the person who has responsibility for, directly or by appointment, policy making and overseeing adherence to laws, rules and regulations of an enclosed place of public access or a workplace. This definition shall not mean the owner of the property or place of public access or workplace unless he is routinely present and controls the day-to-day activities, or sets the policy, carried out within the enclosed place.

(b) For publicly owned buildings and offices, the person responsible for the operation of the building or office and the person responsible for the agency or organization occupying the building or office, or that person designated to act in the absence of the person in charge.

X. "Public access" means any enclosed place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including, but not limited to, buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, retail stores, grocery stores, libraries, theaters, concert halls, auditoriums, arenas, barber shops, hair salons, laundromats, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, and common areas of resorts, hotels and motels, including the lobbies, hallways, elevators, restaurants, restrooms and cafeterias.

XI. "Public educational facility" means any enclosed place or portion of such place, which is supported by public funds and which is used for the instruction of students enrolled in grades kindergarten through 12. This definition shall include areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, restrooms, laboratories, study areas, cafeterias, gymnasiums, libraries, maintenance rooms and storage areas.

XII. "Public conveyance" means any air, land, or water vehicle of public access, which has enclosed sections, used for the transportation of persons in the state of New Hampshire, whether or not for compensation, including, but not limited to airplanes, trains, buses, boats, vans, or taxis. This definition shall not include privately owned vehicles when used for private purposes, but shall include all vehicles owned by the state and its political subdivisions.

XIII. "Publicly owned buildings and offices" means enclosed places or portions of such places owned, leased, or rented by state, county or municipal governments, or by agencies supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, county or municipal taxes. This definition includes, but is not limited to, legislative offices, legislative meeting rooms and other areas used by legislative bodies; courtrooms, jury rooms, and other court facilities; recreation facilities; police stations; fire stations; county, city and town offices; penal and detention institutions; armories; military training facilities; public housing; subsidized housing; common waiting areas, lobbies or common-use rooms; field offices of any government unit; and postsecondary educational institutions receiving funds appropriated by the state legislature. This definition also includes enclosed places periodically used by state, county or municipal governments or their agencies, including, but not limited to, polling places and rooms in which a public meeting, hearing or other proceeding open to the public is in progress. This definition shall also include, in accordance with federal laws and regulations, enclosed places and offices owned, leased, or rented by the federal government or agencies of the federal government.

XIV. "Restaurant" means any room or enclosed place used and kept open on a regular basis and in a bona fide manner for the serving of meals to guests for compensation.

XV. "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any device designed to produce the effect of smoking.

XVI. "Smoking-permitted area" means an effectively segregated area which is posted with "Smoking Permitted" signs in a building, facility, room, or group of rooms or other enclosed indoor area and in which smoking is allowed, as designated by the person in charge of the facility in accordance with applicable rules adopted by the director pursuant to RSA 155:71.

XVII. "Workplace" means an enclosed place at which 4 or more individuals perform any type of a service for consideration of payment under any type or term of employment relationship with, but not limited to a sole proprietorship, corporation, partnership, company, individual, governing body, government agency, private voluntary agency, and any public nonprofit agency. This definition also includes any enclosed place where 4 or more individuals perform services in a volunteer capacity for which individuals are ordinarily paid.

155:66 Smoking Prohibited. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:

I. All enclosed places of public access and publicly owned buildings and offices, including workplaces, except in effectively segregated smoking-permitted areas designated by the person in charge. If smoking cannot be effectively segregated in any such enclosed place, then smoking shall be totally prohibited. The person in charge may declare any facility non-smoking in its entirety.

II. Enclosed places owned and operated by social, fraternal, or religious organizations when made available to the general public for such purposes as, but not lim-

ited to, public meetings, voting, suppers, bingo games, theatrical events, fairs and bazaars, except in effectively segregated smoking-permitted areas. If smoking cannot be effectively segregated in any such enclosed place, then smoking shall be totally prohibited.

III. Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

IV. Hospitals and other acute care facilities.

V. Grocery stores by customers.

VI. Elevators, tramways, gondolas, and other such public conveyances.

VII. Public conveyances.

155:67 Exemptions. The following shall be exempted from the requirements of this subdivision:

I. Public conveyances rented for private purposes.

II. Buildings owned and operated by social, fraternal, or religious organizations when used by the membership of the organization, their guests or families, or when they are rented or leased for private functions to which the public is excluded and arrangements are under the control of the sponsor of the function and not the organization.

III. Guest rooms of hotels, motels and resorts.

IV. Halls, ballrooms, dining rooms and conference rooms of hotels, motels, restaurants, resorts, and publicly accessible buildings or portions thereof, excluding those that are publicly owned, when rented or leased for private functions to which the public is excluded and arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the facility.

V. Resident rooms in dormitories operated by postsecondary educational institutions, but such dormitories shall follow any appropriate procedures established under RSA 155:71, I.

VI. Resident rooms in public housing facilities, but such facilities shall follow any appropriate procedures established under RSA 155:71, I.

VII. Resident rooms in facilities such as nursing homes, sheltered care facilities, and residential treatment, rehabilitation facilities, and prisons and detention facilities, but such facilities shall follow any appropriate procedures established under RSA 155:71, I.

VIII. Restaurants with seating for fewer than 50 people.

IX. Cocktail lounges as defined in RSA 155:65, I.

X. Health care facilities, except for hospitals and other acute care facilities, provided that the health care facilities shall follow any appropriate procedures established under RSA 155:71, I.

XI. Patients with extraordinary medical conditions, psychiatric disorders, or patients in an alcohol and drug withdrawal program, provided that the patient's physician has written a prescription or an order allowing the patient to smoke.

155:68 Written Policies. The person in charge of the enclosed places listed in RSA 155:66 shall develop, or oversee the development of, written policies in accordance with RSA 155:71, to achieve compliance with this subdivision. Such policies shall include, but not be limited to, the following:

I. If smoking is completely prohibited in any enclosed workplace, enclosed place of public ownership, or enclosed place accessible to the public, then the written policy shall state that smoking is prohibited in the entire facility.

II. If smoking-permitted areas are to be designated in any enclosed area identified in RSA 155:66, then the written policy shall state, in addition to the requirements of RSA 155:69, that smoking is permitted only in designated smoking-permitted areas and shall specify the area or areas where smoking is permitted in the building or facility.

III. Written policies regarding smoking restrictions shall be provided to, or posted, or otherwise made available to any person who works in or routinely uses any enclosed building or facility.

IV. Staff or employees subject to written policies regarding smoking restrictions in any enclosed building or facility shall receive orientation regarding the written policy to which they are required to adhere.

155:69 Smoking-Permitted Areas; Procedures. If smoking-permitted areas are to be designated pursuant to the policy under RSA 155:68, II, the person in charge of the enclosed places listed in RSA 155:66 shall develop, or oversee the development of, written procedures in accordance with RSA 155:71, to achieve compliance with this subdivision. Such procedures may include, but not be limited to, the following:

I. Training procedures to assure that the provisions of this subdivision are understood.

II. Reviewing and arbitrating complaints.

III. Handling of persons who willfully continue to smoke in a "no smoking" area, after having been asked to stop smoking in that area.

IV. The special consideration which may be given to protect individuals who have a medical condition which is medically recognized and medically proven to be directly and adversely affected by tobacco smoke, including, but not limited to, an allergic reaction, as documented by an occupational physician.

V. Instructing security officers, ushers, receptionists, clerks, and other appropriate personnel to assist in ensuring compliance with this subdivision by asking those who smoke in designated "no smoking" areas to refrain from doing so, and to direct smokers to a smoking-permitted area, if appropriate.

155:70 Signs. Signs shall be appropriately placed in all buildings and facilities regulated under this subdivision. Such signs shall state the smoking restrictions applicable to the building or facility, in accordance with RSA 155:68.

155:71 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, relative to:

I. Criteria for smoking-permitted areas in a manner that effectively segregates areas, in accordance with RSA 155:65, V, where smoking may be permitted in the facilities under RSA 155:67, V, VI, VII, and X.

II. Size and placement of appropriate signs to be used for notification of smoking restrictions.

III. Procedures for resolving complaints and investigations of complaints under RSA 155:73 and 74.

IV. Procedures for requesting a waiver and eligibility determination for a waiver requested under RSA 155:75, and stipulations of a waiver, including time stipulation.

V. Procedures to ensure confidentiality under RSA 155:74.

155:72 Retaliation Prohibited; Applicability.

I. No person in charge shall retaliate in any manner against, or otherwise discriminate against, a person, employee, or subordinate who exercises any rights under this subdivision or rules adopted pursuant to this subdivision, or by any policy or procedure promulgated under this subdivision for enclosed places.

II. Nothing in this subdivision shall be construed to authorize an employee to refuse to discharge his ordinary and customary duties in the workplace, including, but not limited to, entering a smoking-permitted area in the discharge of such duties.

155:73 Noncompliance. If an employee or user of a building or facility determines or believes that the person in charge or others are not complying with this subdivision or rules adopted pursuant to this subdivision, a complaint shall be registered with the person in charge. If the complaint is not resolved within one calendar month, the complainant may proceed under the complaint procedures established by the director under RSA 155:71.

155:74 Complaints; Investigations; Confidentiality.

I. The director or his designee shall investigate any complaint regarding noncompliance with the provisions of this subdivision or rules adopted under it. The investigation shall include a full opportunity for the person in charge to be informed of and to address the complaint. If during the investigation a probable violation of this subdivision is found, or if the person in charge requests, an adjudication proceeding shall be carried out in accordance with RSA 541-A:16 et seq. prior to the division seeking a penalty under RSA 155:76, III.

II. The name of any person registering a complaint regarding noncompliance shall not be divulged by the department of health and human services, including the division of public health services, in any correspondence or meetings, nor shall it be made available over the telephone, unless specific written approval has been given to do so by the complainant. All complaints, except names, shall be a public record for purposes of RSA 91-A. The name of any complainant who requests anonymity, however, shall not be revealed under RSA 91-A.

155:75 Waiver.

I. The person in charge may seek a period of time to comply with this subdivision by submitting a written request to the director requesting a waiver, specifying the grounds for the waiver and the time period within which such enclosed place shall be subject to the provisions of this subdivision.

II. The person in charge shall have the burden to provide clear and convincing evidence to demonstrate that compelling reasons exist to necessitate a waiver; that the requested waiver will not jeopardize the health and well-being of those who habitually occupy the facility; or that the requirement in question causes undue hardship or interferes with other requirements imposed by policies of the facility in question.

III. The director shall follow procedures adopted by rule in determining the eligibility for a waiver and the time period for which the waiver shall extend.

155:76 Enforcement; Penalties.

I. The person in charge or his designee may call law enforcement authorities if any person refuses to refrain from smoking in an area where smoking is prohibited.

II. Any person who smokes in an enclosed public place where smoking is prohibited shall be guilty of a violation and subject to a fine of not less than \$100.

III. Any person in charge who repeatedly fails to comply with any of the provisions of this subdivision and rules adopted pursuant to it and for which the division seeks a penalty under RSA 155:74 shall be guilty of a violation and, notwithstanding RSA 651:2, shall be subject to a fine of not less than \$100.

155:77 Fire Protection, Safety and Sanitation. Nothing in this subdivision shall be construed to permit smoking where smoking is prohibited by any other provision of law or rule relative to fire protection, safety and sanitation.

3 Repeal. The following are repealed:

I. RSA 155:45 through 155:49, relative to smoking in enclosed public places.

II. RSA 155:54 through 155:56, relative to smoking in grocery stores.

4 Repeal. The following are repealed:

I. RSA 155:50 through 155:53, relative to smoking in the workplace.

II. RSA 155:57 through 155:63, relative to clean indoor air in restaurants.

5 Applicability.

I. The provisions of RSA 155:64 through 77 as inserted by section 2 of this act shall not apply to workplaces as defined in RSA 155:65, XVII, except for those workplaces that are public educational facilities as defined in RSA 155:65, XI and publicly owned buildings and offices as defined in RSA 155:65, XIII, until July 1, 1993.

II. The provisions of RSA 155:64 through 77 as inserted by section 2 of this act shall not apply to restaurants as defined in RSA 155:65, XIV or to hotels, motels, resorts, convention centers and bed and breakfast establishments until July 1, 1993.

6 Rulemaking Initiated. The director of the division of public health services shall, pursuant to RSA 541-A:3-k, initiate the rulemaking process required to adopt rules under RSA 155:71, provided, that final adoption of any rule shall not occur before January 1, 1991.

7 Effective Date.

I. Section 4 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill restricts and regulates smoking in enclosed places of public ownership, of public access and places of employment. The person in charge of such places is to effectively segregate smoking in designated areas and, if this cannot be accomplished, smoking is to be totally prohibited.

The bill establishes certain exemptions which include, but are not limited to, public conveyances rented for private purposes and guest rooms of hotels, motels and resorts.

The bill grants rulemaking authority to the director of the division of public health services to carry out the enforcement of this law.

The bill also authorizes persons in charge of places subject to this chapter to apply for a waiver to extend the time period for compliance.

The bill repeals the current laws relative to smoking in enclosed public places and grocery stores effective January 1, 1991, and repeals the laws relative to smoking in workplaces and restaurants effective July 1, 1993.

Amendment adopted.

Rep. Lozeau offered an amendment, spoke to her amendment and yielded to questions.

Amendment

Amend RSA 155:66, III as inserted by section 2 of the bill by replacing it with the following:

III. Public educational facilities at any time, except in effectively segregated smoking permitted areas designated by the person in charge and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

Rep. Hunt spoke against the amendment and yielded to questions.

On a division vote, 100 members having voted in the affirmative and 236 in the negative the amendment lost.

The question now being ordering the bill to third reading, a roll call was called for. Sufficiently seconded.

YEAS 284

Bolduc, Dennis R.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
Ziegra, Alice S.

Allard, Nanci A.
Dodge, Arthur G., Jr.

Barber, Robert E., Jr.
Delano, Robert F.
Foster, Katherine Davis
Hunt, John B.
Matson, William R.
Perry, David M.
Young, David A.

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton
Theriault, Romeo J.

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Dow, David
Markley, J. Keith
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Ahrens, Frederick G.
Andrews, Frederick B.
Barry, Vivian
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Dodge, Emma M.
Dube, Ellen C.

Golden, Paul A.
Maviglio, Steven R.
Rice, Thomas, Jr.
Turner, Robert H.

Chandler, Gene G.
Foster, Robert W.

Blacketor, Paul G.
Doucette, Richard F.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Nelson, Harold D.
Woodburn, Jeffrey R.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Alukonis, David J.
Baldizar, Barbara J.
Bicknell, Robert C.
Brady, Carolyn L.
Cox, Gladys M.
Desrosiers, William J.
Domaingue, Jacquelyn
Dyer, Merton S.

NAYS 59

Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Daly, Robert J., Jr.
Olimpio, J. Lisbeth

Cole, Stacey W.
Eaton, Daniel Adams
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Spear, Susan

Burns, Harold W.
Lemire, George
Oleson, Otto H.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

Amidon, Eleanor H.
Barry, Janet Gail
Bourque, Ann J.
Burkush, Peter
Daigle, Robert Arthur
Dionne, Paul R.
Drolet, Paul L.
Dykstra, Leona

Elliott, Larry G.
 Flood, Jacqueline J.
 Frank, Nancy G.
 Green, Scott E.
 Haettenschwiller, A. A.
 Holden, Carol H.
 Jean, Romeo W.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 Lefebvre, Roland J.
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Paquette, Rodolphe G.
 Record, Alice Barnard
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Wheeler, David K.
 Young, Willard N.

Emerton, Lawrence
 Foote, Herbert N., Sr.
 Gerow, Sezen M.
 Grip, Robert H.
 Hall, Betty B.
 Hultgren, David D.
 Keefe, Edmund M.
 Kress, Gloria W.
 Lawrence, Eva M.
 Lown, Elizabeth
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Perham, Lester R.
 Rheault, Lillian I.
 Sallada, Roland A.
 Smith, Leonard A.
 Upton, Barbara Allen
 Wihby, Linda S.

Fields, Dennis H.
 Ford, Nancy M.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Healy, Daniel J.
 Jasper, Shawn N.
 Kelley, Robert N.
 Kurk, Neal M.
 Lawrence, Norman B.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland
 Pappas, Toni
 Pignatelli, Debora B.
 Riley, Frances L.
 Schneiderat, Catherine
 Stiles, Walter A.
 Vanderlosk, Stanley R.
 Wright, George W.

MERRIMACK

Anderson, Eleanor M.
 Braiterman, Thea
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.
 West, George M.

Barberia, Richard A.
 Carter, Susan D.
 Fair, Patricia A.
 Gross, Caroline L.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Pantzer, Eugene
 Shaw, Randall F.
 Teague, Bert
 Whittemore, James A.

Bardsley, Elizabeth S.
 Daneault, Gabriel
 Fillion, Paul R.
 Hager, Elizabeth
 Hill, Michael
 Johnson, C. William
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Soldati, Jennifer
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William Paul
 Campbell, Marilyn R.
 Cooke, Annette M.
 Flanagan, Natalie S.
 Ford, Bert H.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 McCain, William F.
 Micklon, Stephanie K.
 Popov, Elizabeth M.
 Schmidtchen, Rowland

Bell, Juanita
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Cote, Patricia L.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 King, Roger C.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McCarthy, John James, Jr.
 Parr, Ednapearl F.
 Remick, Barbara R.
 Seward, Russell G.

Benton, Richardson D.
 Campbell, Eunice M.
 Conroy, Janet M.
 Dube, LeRoy S.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Kane, Cecelia D.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Parsons, Robert F.
 Rosencrantz, James R.
 Sherburne, John L.

Simon, Peter M.
 Splaine, John E., Sr.
 Tufts, J. Arthur
 Weddle, Michael Rodney
 Weyler, Kenneth L.

Skinner, Patricia M.
 Stachowske, Vicki
 Vaughn, Charles L.
 Welch, David A.

Sochalski, Matthew M.
 Sytek, Donna
 Warburton, Calvin
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Anita A.
 Frechette, Roland A.
 Kinney, Paula J.
 Merrill, Amanda
 Pelley, Janet R.
 Stewart, Glenn W.
 Wall, Janet G.

Bernard, Mary E.
 Burton, Wayne M.
 Flynn, Edward J.
 Gilmore, Gary
 Marston, Robert E.
 O'Brien, John
 Scharff, Thomas Edward
 Sullivan, Henry P.
 Wheeler, Katherine Wells

Bickford, Drucilla
 Callaghan, Robert J.
 Foss, Patricia H.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Parks, Joe B.
 Spencer, Leo J.
 Torr, Ann M.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 Krueger, Richard H.
 Rodeschin, Beverly T.

Burling, Peter Hoe
 Harland, Jane A.
 MacAskill, Kenneth M.
 Schotanus, Merle W.

Domini, Irene C.
 Hinrichsen, Keith
 Peyron, Fredrik
 Stamatakis, Carol M.

NAYS 59 BELKNAP

Campbell, Richard H., Jr.

Salatiello, Thomas

CARROLL

Dickinson, Howard C., Jr.
 Wiggin, Allen R.

MacDonald, Kenneth J.

Powers, Gerard E., Jr.

CHESHIRE

Cole, Kenneth A.
 Metzger, Katherine H.

Crutchley, Donald O.
 Pierce, David A.

Hill, Douglas E.

COOS

Dumont, Robert E.

Kilbride, Dennis J.

Merrill, Gerald

GRAFTON

Driscoll, William J.

LaMott, Paul I.

Shackett, Ralph E.

HILLSBOROUGH

Biondi, Christine A.
 Dwyer, Patricia R.
 Hunter, Bruce F.
 King, John A.
 Mason, Howard F.
 Ouellette, Robert O.
 Steiner, Lee Anne

Cote, David E.
 Gagnon, Gabrielle V.
 Jenkins, Mary
 Leclerc, Charles J.
 Nardi, Theodora P.
 Pepino, Leo P.
 Turgeon, Roland M.

Donovan, Francis X.
 Hanselman, Gregory L.
 Johnson, Lionel W.
 Lozeau, Donnalee
 O'Rourke, JoAnne A.
 Reidy, Frank J.

MERRIMACK

Apple, Lowell D.
 Smith, Gerald R.

Bennett, J. Allen

Gilbreth, Robert M.

ROCKINGHAM

| | | |
|------------------------|----------------------|-----------------------|
| Blanchard, MaryAnn N. | Brown, Jeffrey M. | Caswell, Albert, Jr. |
| Felch, Charles H., Sr. | Fesh, Robert M. | Gourdeau, Raymond H. |
| MacDonald, Maurice B. | Mace, Ada L. | McKinney, Betsy |
| Palazzo, Frank J., Sr. | Pantelakos, Laura C. | Raynowska, Bernard J. |
| Roulston, Donald L. | Senter, Merilyn P. | |

STRAFFORD

| | | |
|-------------------|-----------------|---------------------|
| Dionne, Albert J. | Tsiros, William | Vincent, Francis C. |
|-------------------|-----------------|---------------------|

SULLIVAN

Middleton, John A.,
and the bill was ordered to third reading.

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 10 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 390, relative to laws regarding abuse and neglect of children.

SB 325, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

SB 336, relative to the statute of limitations on prosecutions for bad checks.

SB 383, relative to a vocational center in Claremont.

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.

SB 359, relative to modifying planning board procedures on plats.

SB 361, relative to radon gas and lead paint.

SB 321, relative to group health insurance.

SB 379, relative to indoor smoking.

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

SB 386, relative to a public trust grant for the town of Lincoln's water supply and Loon Mountain Recreation Corporation's snowmaking.

HR 57, requesting the United States Congress to amend the United States Constitution to prohibit flag desecration.

Rep. Hager moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:15 p.m.

RECESS

(Rep. Lemire in the Chair)

ENROLLED BILLS REPORT

HB 1072-FN, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation.

HB 1426-FN, relative to surrogacy.

HB 490, establishing a speed limit on a portion of the Connecticut River.

HB 639-FN, relative to the disposition of acquired or abandoned rail properties.

HB 700-FN, imposing minimum mandatory sentences for felonious use of firearms.

HB 759-FN, relative to electronic surveillance in drug investigations.

HB 1016, relative to altering municipal highway classifications.

HB 1334-FN, relative to telephone utilities service territories.

HB 1424-FN, regulating abortions.

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions.

HB 1003, relative to prima facie speed limits on local roads.

HB 1047, establishing a commission with the state of Maine on Lake Umbagog.

HB 1074, relative to annual audits of consumer cooperative associations.

HB 1081, relative to the membership of the fish and game commission.

HB 1104, relative to the motor vehicle laws.

HB 1137, relative to condominium law.

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident.

HB 1175-FN, establishing a committee to study choice in education.

HB 1196-FN, relative to sand dunes and establishing a study committee relative to wetlands board matters.

HB 1276, relative to sales of motor vehicles.

HB 1324-FN, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin.

HB 1372-FN, relative to interim rules under the administrative procedure act.

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil.

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns.

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority.

SB 389, relative to non-privileged communications in marital mediation proceedings.

SB 405-FN, relative to accounting procedures and risk retention of insurance companies.

HB 1025, relative to limited liability for volunteers.

HB 1069-FN, relative to the dig-safe law.

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system.

HB 1106-FN, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings.

HB 1117, relative to children attending camp facilities.

HB 1259-FN, relative to the unclaimed and abandoned property act.

HB 1285, relative to agricultural labor and unemployment compensation.

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel.

HB 1321-FN, requiring the fish and game department to submit a shellfish management plan.

SB 302, relative to the Mount Washington Commission.

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies.

SB 339-FN, relative to licensure of mobile barbershops.

HB 1136, relative to filing of annual reports with the secretary of state.

HB 1169-FN, establishing a committee to study drug and alcohol testing in the workplace.

SB 344-FN, relative to the appointment of the director of water supply and pollution control.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

Rep. Bean moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Tuesday, April 10, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Jack Lynes, pastor of the Community Church of Durham, guest of Reps. Martling, Wall and Katherine Wheeler.

You call us here in this solemn assembly to do what is best for this wonderfully rich resource that is our beloved home, New Hampshire, and for its diverse and talented and dedicated citizens.

We pray that You would help us to serve them faithfully.

May we attend carefully and humbly to each and every issue that comes before us.

If an issue is simple, may we not burden it with a complexity it neither has nor warrants. And if an issue is truly complex, may we not vaingloriously oversimplify it, but rather seek to understand sympathetically both sides of the issue at hand before we render our decision. And, above all, may every decision we make at the very least improve the condition of the least advantaged members of our society.

For each of us is a child of God.

Each of us has a gift to share and something to contribute.

And each of us gains when, in living together, we share as equitably as possible, the benefits and burdens, the costs and joys of life's opportunities and challenges.

May the power of Your presence, the gentleness of Your Spirit, and the strength of Your will empower us to act, and may the sustaining nature of Your grace enable us to walk humbly in Your sight.

This we pray in the name of the One who gives life, the All-merciful and All-loving One.

Amen. Shalom. Salaam.

Rep. Lockwood of Canterbury led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, Patricia Cote, Flanagan, Gerow, Holbrook, Lachance, Mason, Nardi, Pantzer, Pratt. Sanderson and Soucy, the day, illness.

Reps. Alukonis, Apple, Braiterman, Foss, Haynes, Douglas Hill, Kilbride, Kress, Malcolm, Ralph Pearson, Prestipino and Saunders, the day, important business.

Reps. Amanda Merrill and Kinney, the day illness in family.

INTRODUCTION OF GUESTS

Mary Batcheller, Joyce Irmer and children, daughter and guests of Rep. Betty Hall; Reverend Nina Grey, Minister, Keene Unitarian-Universalist Church, guests of Rep. LaMar; Hans Lundh, past District Governor of Rotary, Klippan, Sweden and John Lyford Rotary, District Governor of Bow, guests of Rep. C. William Johnson; Mr. and Mrs. Wyman, Jonathan and Jessica, guests of the Speaker; Rodger Coolidge, guest of Reps. Dickinson and Wiggin; Mr. Paul's fourth grade and Mrs. Prieve's third grade from Maple Avenue School, Goffstown, guests of Rep. Karen McRae and the Goffstown Delegation; Teresa Gardinor L'derry, guest of Rep. Sochalshi; the seventh and eighth grade and Honor Society, Cornish Elementary School, guests of Reps. Burling and Schotanus; Kevin Gray of U.N.H., guest of Rep. David Dow; Eric Han-

sen, Anne Bluy, Virginie Derveaux, Sophie Boca, Brice Manseot, Sebastien Polsinelli, Carolene Calviac, Madame Baudoin, teacher and Regina Oliver, hostess, from Echanges Culturels Internationaux Aiz-en-Provence, France, guests of Nancy Tarpley.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1216-FN, relative to video tape depositions of children. (Amendment printed SJ 16, 3/29/90)

Rep. Bean moved that the House concur.

Adopted.

HB 409-FN, relative to licensing professional foresters. (Amendment printed SJ 15, 3/27/90)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Maurice MacDonald, Wiggin and Dunn.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Amendment printed SJ 15, 3/27/90)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Klemarczyk, George Katsakiores, Malcolm and Nelson.

HB 685-FN, relative to tenant evictions. (Amendment printed SJ 16, 3/29/90)

Rep. Whitcomb moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Michael Hill, Soldati, McRae and Whitcomb.

HB 1026, relative to the definition of public access to public waters. (Amendment printed SJ 15, 3/27/90)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wiggin, William Boucher, John Young and Conroy.

HB 1027-FN, establishing a black bear management program and requiring a special bear license. (Amendment printed SJ 17, 4/3/90)

Rep. Perham moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scanlan, Drake, Kinney and Oleson.

HB 1046, relative to the declaration of purpose for the planning and zoning laws. (Amendment printed SJ 16, 3/29/90)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Golden, Baldizar and Metzger.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians. (Amendment printed SJ 16, 3/29/90)

Rep. Christy moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Foss, Christy, MacAskill and Burling.

HB 1062, relative to record books kept by registers of deeds. (Amendment printed SJ 16, 3/29/90)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wadsworth, Scharff, Brungot and Middleton.

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett. (Amendment printed SJ 12, 3/15/90)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Roger King, Eva Lawrence, Golden and Daneault.

HB 1103-FN, relative to the regional fuel tax agreement. (Amendment printed SJ 16, 3/29/90)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. George Katsakiores, Turgeon, Emerton and Lachut.

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud. (Amendment printed SJ 16, 3/29/90)

Rep. Martling moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Jasper, Hollingworth and C. William Johnson.

HB 1162-FN, relative to the railroad banking program. (Amendment printed SJ 15, 3/27/90)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hoar, Thomas Gage, Stewart and Oleson.

HB 1174-FN, relative to laws regarding children and minors. (Amendment printed SJ 16, 3/29/90)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bean, McCain, Wallner and Bowers.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza. (Amendment printed SJ 17, 4/3/90)

Rep. Marsh moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Phelps, Marsh, Alukonis and Frechette.

HB 1250-FN, relative to employees of the dog and horse racing industry. (Amendment printed SJ 14, 3/22/90)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Weymouth and Toomey.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures. (Amendment printed SJ 16, 3/29/90)

Rep. Thomas Gage moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Jasper, Burling, Hollingworth and Whitcomb.

HB 1301, creating a committee to study the passenger motor vehicle insurance market in New Hampshire. (Amendment printed SJ 15, 3/27/90)

Rep. Fraser moved that the House nonconcur, request a Committee of Conference and yielded to questions.

Rep. Blacketor spoke against the motion.

On a division vote, 213 members having voted in the affirmative and 121 in the negative, the motion was adopted.

The Speaker appointed Reps. Fraser, Richard Hill, Sochalski and Arnesen.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate. (Amendment printed SJ 16, 3/29/90)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. West, Thomas Gage, Daneault and Lewis Brown.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. (Amendment printed SJ 17, 4/3/90)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Marsh, Kilbride, Stio and Oleson.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board. (Amendment printed SJ 12, 3/15/90)

Rep. Maurice MacDonald moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mace, Goulet, Kane and Beverly Gage.

HB 1438, relative to the goals and objectives for reduction of solid waste. (Amendment printed SJ 16, 3/29/90)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Trombly, Teschner, Daigle and Parsons.

HCR 18, urging a statewide conference on families. (Amendment printed SJ 16, 3/29/90)

Rep. Bean moved that the House concur.

Adopted.

HB 1073, relative to sales representatives' contracts. (Amendment printed SJ 16, 3/29/90)

Rep. Christy moved that the House concur.

Adopted.

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same. (Amendment printed SJ 16, 3/29/90)

Rep. Christy moved that the House concur.

Adopted.

HB 514, relative to rulemaking authority of the director, division of public health services. (Amendment printed SJ 16, 3/29/90)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 723-FN, regarding the acid rain control act. (Amendment printed SJ 15, 3/27/90)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 1357, relative to the rulemaking authority of the commissioner of environmental services. (Amendment printed SJ 15, 3/27/90)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system. (Amendment printed SJ 16, 3/29/90)

Rep. Powers moved that the House concur.

Adopted.

HB 1394-FN, relative to the election of optional retirement allowances. (Amendment printed SJ 15, 3/27/90)

Rep. Powers moved that the House concur.

Adopted.

HB 670-FN, relative to public accommodation of physically handicapped persons. (Amendment printed SJ 16, 3/29/90)

Rep. Sochalski moved that the House concur.

Adopted.

HB 1157-FN, relative to capital murder. (Amendment printed SJ 16, 3/29/90)
Rep. Thomas Gage moved that the House concur.
Adopted.

HB 1234-FN, relative to guardian's authority to admit to institutions. (Amendment printed SJ 16, 3/29/90)
Rep. Thomas Gage moved that the House concur.
Adopted.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law. (Amendment printed SJ 15, 3/27/90)
Rep. Hawkins moved that the House concur.
Adopted.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant. (Amendment printed SJ 13, 3/20/90)
Rep. Grodin moved that the House concur.
Adopted.

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements. (Amendment printed SJ 17, 4/3/90)
Rep. Phelps moved that the House concur and spoke in favor of the motion.
Rep. Salatiello spoke to the motion.
Adopted.

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members. (Amendment printed SJ 12, 3/15/90)
Rep. Kelley moved that the House concur.
Adopted.

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees. (Amendment printed SJ 12, 3/15/90)
Rep. Kelley moved that the House concur.
Adopted.

HB 1150, relative to the oil pollution control fund. (Amendment printed SJ 15, 3/27/90)
Rep. Dickinson moved that the House concur.
Adopted.

HB 1151-FN, requiring certification of wastewater treatment plant operators. (Amendment printed SJ 17, 4/3/90)
Rep. Dickinson moved that the House concur.
Adopted.

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup. (Amendment printed SJ 15, 3/27/90)
Rep. Dickinson moved that the House concur.
Adopted.

HB 1354-FN, relative to boat registrations. (Amendment printed SJ 14, 3/22/90)
Rep. Dickinson moved that the House concur.
Adopted.

HB 1376-FN-A, relative to a public water rights report and advisory committee and making an appropriation therefor. (Amendment printed SJ 16, 3/29/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges. (Amendment printed SJ 15, 3/27/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1419, relative to the Monadnock advisory commission. (Amendment printed SJ 16, 3/29/90)

Rep. Dickinson moved that the House concur.

Adopted.

HB 1092-FN, relative to equity sharing in low and moderate income housing and reverse equity loans. (Amendment printed SJ 12, 3/15/90)

Rep. Whitcomb moved that the House concur.

Adopted.

HB 716, to codify certain boating and water safety rules. (Amendment printed SJ 13, 3/20/90)

Rep. Gordon moved that the House concur.

Adopted.

HB 1415, relative to OHRV safety and training. (Amendment printed SJ 16, 3/29/90)

Rep. Gordon moved that the House concur.

Adopted.

CONCURRENCE WITH AMENDMENTS

SB 388, relative to ski patrol personnel qualifications and licensing.

SB 402-FN-A, reinstating certain positions in the insurance department and making appropriations therefor.

SB 387, relative to insurance of accounts, interstate banking and other matters regarding financial institutions.

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex.

SB 354-FN, relative to temporary emergency motor vehicle registrations.

CONCURRENCE

HB 519, relative to minimum standards for modular buildings.

HB 1082-FN-A, making an appropriation to the Wallop-Breaux fund.

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor.

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles.

HB 1200-FN, to change the name of the governor's commission for the handicapped.

HB 1364, relative to energy conservation standards in new building construction.

HB 1427-FN, relative to the recycling logo.

HB 1039-FN-A, relative to a bingo fee.

NONCURRENCE

HB 725, relative to the highway fund.

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts.

HB 1291-FN, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor.

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

SB 407-FN, relative to the retirement eligibility of the director of the police standards and training council. (A) INEXPEDIENT TO LEGISLATE.

This bill would place marine patrol officers in the group II Retirement System. As a result of recent legislation, several group II members were decertified and placed in group I by the Director of Personnel. The Committee asked the Director of Personnel as to how the marine patrol officers should be classified. The Director stated they should be in group I. Vote 16-0. Rep. Stacey W. Cole for Appropriations.

HB 1507-FN, relative to early retirement benefits. REFER FOR INTERIM STUDY.

The Committee feels that this bill is not feasible in its original form or in any quick revision. Interest was expressed in development of an early retirement program, along with some features of the original HB 1506. HB 1507 can serve as a vehicle for study of these subjects. Vote 13-0. Rep. Richard H. Campbell for Executive Departments and Administration.

REGULAR CALENDAR

SB 309-FN-A, establishing a New Hampshire Heritage Trail. (A) OUGHT TO PASS WITH AMENDMENT.

This bill designates the trail being established by the Youth Conservation Corps from the Canadian border to the Massachusetts border as the Heritage Trail and establishes a 16-member advisory committee to advise the Department of Resources and Economic Development on trail development. The requested \$25,000 appropriation is reduced to \$1 due to funds needed for higher priority projects at the present time. Vote 17-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a New Hampshire heritage trail and
making an appropriation therefor.

Amend RSA 216-A:8, II and III as inserted by section 1 of the bill by replacing them with the following:

II. The general court finds that because of the impact of a steadily growing population, the continuing development of land for residential, commercial and other purposes, and the loss of shorelands for various purposes, fewer opportunities exist for the citizens of New Hampshire and visitors from other states to enjoy recreational activities in natural areas in this state. Therefore, to fill a major gap in the state's

existing trail system it shall be the policy of the state of New Hampshire to create, foster, maintain and promote a recreational trail generally following the Connecticut, Pemigewasset, and Merrimack rivers from the Canadian border to the Massachusetts border.

III. If in the judgment of the advisory committee established in RSA 216-A:15, temporary segments, alternate segments, and feeder segments of trail are identified that would enhance the development of the New Hampshire Heritage Trail, such segments shall be eligible for participation in all of the provisions of this subdivision.

Amend the bill by deleting RSA 216-A:15 as inserted by section 3 of the bill and renumbering RSA 216-A:16-18 to read as RSA 216-A:15-17, respectively.

Amend RSA 216-A:17 as inserted by section 3 of the bill by replacing it with the following:

216-A:17 Applicability of Other Statutes. All provisions of RSA 216-F, multi-use statewide trail system, shall be applicable to the department for the purposes of carrying out this chapter.

Amend section 4 of the bill by replacing it with the following:

4 Appropriation. There is appropriated the sum of \$1 to the department of resources and economic development for the fiscal year ending June 30, 1990, for the purpose of this act. This sum shall be nonlapsing and shall be in addition to any other appropriation made to the department. The governor is authorized to draw his warrant for said sum out of any money in the treasury otherwise not appropriated.

Amendment adopted.

Ordered to third reading.

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor. (A) OUGHT TO PASS.

This bill authorizes a \$1.3 million bond for the purchase of the Nashua district courthouse. Currently, rent of the courthouse from the City of Nashua is \$237,000 per year. Purchase by the state eliminates rental costs (\$1.1 million since 1986) and assists the city of Nashua by repaying remainder of construction costs incurred by the city. Vote 17-0. Rep. Merle W. Schotanus for Appropriations.

Ordered to third reading.

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor. OUGHT TO PASS.

This bill bonds \$2.2 million for the reconstruction and construction of a four-way intersection at New Hampshire Routes 9 and 155 in the City of Dover.

The bonded amount increases previously appropriated highway funds by \$1.2 million, and restores \$1 million to the highway fund for operations. Vote 17-0. Rep. Merle W. Schotanus for Appropriations.

Ordered to third reading.

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect. OUGHT TO PASS.

This bill extends the date of the Children's Trust Fund. It has no fiscal impact. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

Ordered to third reading.

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor. (A) OUGHT TO PASS.

This is a very important bill to allow federal reimbursement for medically-related services provided by school districts. The \$2.7 million in the bill is all federal funds. Potentially, the state and school districts will save that much money. Vote 20-0. Rep. Elizabeth Hager for Appropriations.

Ordered to third reading.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system. OUGHT TO PASS WITH AMENDMENT.

This bill will grant a 5 percent cost of living adjustment to policemen and a 2.75 percent COLA to the firemen. The difference reflects the amount of money available in the special fund. Because of the near depletion of the special fund, the amendment requires that a minimum equal to a 2 percent COLA remain in the fund before further COLAs are given another year. Vote 19-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system and relative to supplemental allowances to retirement system members.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Granting of a COLA in Year Following Granting of a COLA. Amend RSA 100-A:41-a by inserting after paragraph V the following new paragraph:

VI. Whenever the legislature grants a supplemental allowance to the members of any retirement system member classification, in the year immediately following the granting of such allowance, a supplemental allowance may be granted to such members only to the extent that funds available in the special account for such classification exceed an amount, determined by the actuary, equal to the cost of a 2 percent supplemental allowance for such member classification. The amount determined by the actuary to equal such 2 percent supplemental allowance shall remain in the special account and shall not be used to fund additional benefits in such year.

7 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 30, 1990.

AMENDED ANALYSIS

This bill provides a cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired on or before January 1, 1991, effective January 1, 1991, of up to 5 percent. The additional allowance becomes a permanent addition to the beneficiary's base retirement allowance.

Funding for the additional allowance comes from the police and fire components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

The amount of the additional allowance is a multiple of 1/4 percent, not to exceed 5 percent, and depends on the amount available in each component of the special account.

The bill amends the retirement system special account for funding purposes and for the purpose of dividing the account into 4 components based upon the 4 retirement system member classifications.

The bill also specifies that a supplemental allowance for a particular member classification may be granted, in the year following the granting of a supplemental allowance, only to the extent that the funds in the special account for such classification exceed the cost of a 2 percent supplemental allowance.

Amendment adopted.

Ordered to third reading.

SB 346-FN, providing a 5 percent cost of living adjustment for group I Retirement System members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. **OUGHT TO PASS.**

This legislation provides a 5 percent cost of living adjustment for group I Retirement System members and provides a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957 funded by the special retirement account. Vote 15-0. Rep. Philip H. Weymouth for Appropriations.

Ordered to third reading.

SB 351, relative to the Pease Air Force Base development authority and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

This bill establishes the Pease Air Force Base Development Authority with a board to govern the Authority. The bill carries an appropriation for administration costs of \$200,000 through June 30, 1991. The amendment makes several technical corrections, offered by the Chairman of the Policy Committee, to the bill as adopted earlier by the House. Vote 18-0. Rep Howard C. Townsend for Appropriations.

Amendment

Amend RSA 12-G:2, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. "Excess revenues" means those revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:26 required (a) to pay the costs of operating, maintaining and repairing all property and projects of the authority, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:15 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority, (e) to create and maintain a capital improvement fund to be established by the board in an amount not more than \$10,000,000, and (f) to pay all taxes owed by the authority. Excess revenue shall not include any revenues generated from property transferred or conveyed to the authority pursuant to section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(g), as amended, within the airport district, unless the board and the Federal Aviation Administration deem, in compliance with applicable Federal Law, including but not limited to 49 U.S.C. App. 2210(a)(12), such revenues to be excess revenues within the meaning of this chapter.

Amend RSA 12-G:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Any resolution or contract executed or approved by or on behalf of the commission shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the commission vested in or possessed by the commission on June 1, 1990, shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them.

Amend RSA 12-G:10, II as inserted by section 1 of the bill by replacing it with the following:

II. The authority shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review and fire codes in order to implement the comprehensive conversion and redevelopment plan prepared by the commission no later than December 31, 1991. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the authority and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 5 affirmative votes of the authority shall be required. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of state planning.

Amend RSA 12-G:10, VI and VII as inserted by section 1 of the bill by replacing them with the following:

VI. Notwithstanding any provisions of this section, all property on Pease Air Force Base west of McIntyre Road shall be designated a wildlife preserve under the control of the United States Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge, or other appropriate federal or state agency. Except for the establishment of a national veteran cemetery, the authority shall not permit the development of the property designated a wildlife refuge or preserve.

VII. In any event, regulatory power over all land use controls at Pease Air Force Base except for the airport district and all property west of McIntyre Road designated as a wildlife preserve shall revert exclusively to the municipalities no later than January 1, 2020, or sooner at the election of the authority.

Amend RSA 12-G:13, II as inserted by section 1 of the bill by replacing it with the following:

II. Any agreement between the United States and any agency thereof and the authority shall constitute a binding agreement between the United States and the state. Any agreement between the United States and the authority obligating the state to expend funds may be satisfied in full by revenues, bond proceeds or other funds provided by the authority in the first instance, and if such funds are insufficient, then the obligations shall be satisfied by the state from other funds. Furthermore, any agreement between the United States and the authority requiring payment of funds by the authority to purchase any property at Pease Air Force Base shall be satisfied in full by revenues, bond proceeds or other funds provided by the authority, and such payment shall not require a pledge of the full faith and credit of the state, except otherwise provided under RSA 12-G:27.

Amend RSA 12-G:26 as inserted by section 1 of the bill by replacing it with the following:

12-G:26 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities, to the house appropriations committee, and to the senate finance committee a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

Amend the bill by replacing all after section 10 with the following:

11 New Paragraph; Classified Service; Exemption. Amend RSA 21-I:49 by inserting after paragraph VI the following new paragraph:

VII. Personnel of the Pease development authority.

12 Effective Date.

I. Sections 4 and 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 1, 1990.

Amendment adopted.

Ordered to third reading.

Rep. Hager moved that **SB 371-FN**, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations, be made a Special Order for Thursday, April 12 and spoke to her motion.

Adopted.

SB 373-FN-A, relative to compulsory school attendance and to home education. **OUGHT TO PASS.**

The Appropriations Committee agrees with the Education Committee that this bill is unlikely to have any fiscal impact on the state. Vote 18-2. Rep. Elizabeth Hager for Appropriations.

Ordered to third reading.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

This bill will permit group II members to purchase out-of-state service as creditable service in the New Hampshire Retirement System. The amendment provides that such purchased credits must meet or exceed the requirements for certification as a group II permanent policeman or permanent fireman in the New Hampshire Retirement System. Vote 16-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend RSA 100-A:4-c, II as inserted by section 1 of the bill by replacing it with the following:

II. Credit for out-of-state service as a regular full-time police officer or firefighter, in a job which requires full certification as a police officer or firefighter under the laws of the out-of-state jurisdiction, may be purchased as group II permanent policeman or permanent fireman service in the New Hampshire retirement system. Credit for out-of-state service may be purchased under this section only if the full certification required to become a full-time police officer or fire-fighter under the laws of the out-of-state jurisdiction meets or exceeds the requirements for certification

as a group II permanent policeman or permanent fireman in the New Hampshire retirement system. Credit for all other out-of-state service purchased under the provisions of this section by group II members shall become group I creditable service in the New Hampshire retirement system, and upon retirement, death, or termination of service such members shall be entitled to split benefits as provided in RSA 100-A:19-a through 19-h.

AMENDED ANALYSIS

This bill allows any group II member in service on or after June 30, 1990, who transferred into the New Hampshire retirement system as an active member of another state's public employees' retirement system, to purchase their out-of-state service as creditable service in the New Hampshire retirement system.

Out-of-state service purchased as creditable service in the New Hampshire retirement system shall not be considered as creditable service for the purpose of eligibility for medical benefits after retirement.

Credit for out-of-state service may be purchased only if the full certification required to become a full-time police officer or fire-fighter under the laws of the out-of-state jurisdiction meets or exceeds the requirements for certification as a group II permanent policeman or permanent fireman in the New Hampshire retirement system.

Amendment adopted.

Ordered to third reading.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor. **ought to pass with amendment.**

The House has supported the contents of this bill for several sessions. The Committee feels that it is a piece of priority legislation though any expenditure of money is difficult this year. The bill appropriates \$155,000. The amendment removes the increase in charges to the counties for autopsies and also gives the Medical Examiner the authority to charge for autopsy reports. Vote 13-6. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the bill by replacing all after section 3 with the following:

4 Appropriation; Department of Justice; Office of Chief Medical Examiner. The following sums are hereby appropriated to the office of the chief medical examiner, department of justice for the fiscal year ending June 30, 1991, for the purposes specified:

| | |
|---|-----------|
| I. Facility lease, Concord Hospital | \$ 50,000 |
| II. Associate chief medical examiner; salary, equipment and benefits | \$ 90,000 |
| III. Investigator upgrade | \$ 15,000 |
| Total | \$155,000 |

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Fees for Autopsy Reports. Amend RSA 611-A:8 to read as follows:

611-A:8 Autopsy Reports.

I. A report of all autopsies performed shall be filed with the attorney general and the county attorney of the county [wherein] in which the death occurred.

II. The medical examiner shall charge a reasonable fee for each autopsy report made available upon request. Such fee shall be credited to the general fund.

6 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill authorizes the chief medical examiner to appoint an associate chief medical examiner and assistant deputy medical examiners and makes an appropriation to the office of the chief medical examiner.

The bill also imposes a reasonable fee for each copy of an autopsy report made available upon request.

Amendment adopted.

Ordered to third reading.

SB 392-FN, relative to the Spaulding turnpike. OUGHT TO PASS.

This bill amends the 10-year highway plan to reallocate a portion of the funds previously allocated for Spaulding Turnpike safety improvements to authorize a study for the expansion of the turnpike located between Routes 11 and 125. Vote 17-0. Rep. Merle W. Schotanus for Appropriations.

Ordered to third reading.

SB 398, relative to the east-west highway study. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, changes the focus of the on-going East-west Highway Study from a specified terminus to providing improved highway access from the Concord area to the tri-city area of Rochester, Dover and Somersworth; and extends completion date of the study to September 30, 1991. The amendment directs the Commissioner, Department of Transportation, to place highest priority on New Hampshire 101 projects and to transfer up to 20 percent of eligible federal aid I-4R apportionment funds to these projects to expedite completion. Vote 18-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the east-west highway study and New Hampshire Route 101.

Amend the bill by replacing all after section 3 with the following:

4 New Hampshire Route 101. Amend 1986, 203 by inserting after section 25 the following new section:

203:25-a Route 101 Projects. The commissioner of the department of transportation shall implement as highest priority the projects on NH 101 as identified in 1986, 203:4 I(g) 5, 6, 7, 9 and is hereby directed to utilize state and federal funds previously apportioned or transferred to the federal aid primary category. Notwithstanding any other law to the contrary, for the biennium ending June 30, 1991, up to 20 percent of the eligible federal aid I-4R apportionments shall be transferred to the federal aid primary category for these projects on NH 101.

5 Effective Date. This act shall take effect upon its passage.

Rep. LaMott yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 1506-FN, relative to state employee layoffs. OUGHT TO PASS WITH AMENDMENT.

The Committee takes a position that the Legislature should act to mitigate the adverse effects of the layoff. HB 1506, in its original form, attempted to release

general fund money to rehire employees through offering them unpaid leaves and non-traditional work schedules. Testimony indicates that, implemented on such short notice, the suggested programs, in the absence of authority to reduce state services, would not release sufficient funds to significantly impact the layoffs.

During this process, testimony from department heads revealed that the number of employees actually involuntarily dropped from the state payroll would be considerably less than had been publicized. The apparent availability of funds to mitigate the layoffs coupled with indications that other state needs would be funded caused the Committee to focus specifically on state workers who are laid off, regardless of number.

The amendment to HB 1506, therefore, contains two provisions to achieve this end: (1) The amended bill offers an incentive to department heads by allowing them to bypass the waiver procedures contained in 1990, 3:34 if they recall a laid-off employee. (2) The amended bill also provides laid-off employees with 12 months of state-paid health insurance. This coverage is provided only if none is otherwise available. Vote 11-1. Rep. Wayne M. Burton for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Rehiring of Laid Off State Employees. Notwithstanding 1990, 3:34 and any other law or rule to the contrary, any position which becomes vacant due to normal attrition in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off from any department or establishment pursuant to 1990, 1:16, if such person is not currently employed by the state of New Hampshire and if he meets the minimum qualifications for the position. Such position may also be filled by any person who as a result of bumping was laid off as a result of the layoff process pursuant to 1990, 1:16, if such person is not currently employed by the state of New Hampshire and if he meets the minimum qualifications for the position. Before filling any such position, the head of a department or establishment shall request the division of personnel to identify in order of seniority the state employees laid off or bumped pursuant to 1990, 1:16 who meet the minimum qualifications for the vacant position. If more than one employee is qualified for the position, the position shall be filled in order of seniority.

2 Medical and Health Care Coverage Continued. Any full-time state employee who was laid off pursuant to 1990, 1:16 or who, as a result of 1990, 1:16, was bumped, who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed one year after the date of termination of state employment.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that state employees laid off pursuant to 1990, 1:16 be rehired, notwithstanding the hiring freeze, if positions for which the person meets the minimum requirements become available due to normal attrition in any department or establishment, as long as such person is not currently employed by the state of New

Hampshire. The same preference is to be given to any person bumped as a result of the layoffs. If more than one employee meets the qualifications for the position, the position is to be filled in order of seniority.

The bill also continues state-paid medical or health care coverage for state employees who were laid off or bumped as a result of the layoff process in 1990, 1:16 for one year in certain circumstances.

Rep. Powers yielded to questions.

Amendment adopted.

Referred to Appropriations.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold a public hearing on House Bill 1506, relative to state employee layoffs, without the required notice in the Calendar.

Adopted by necessary two-thirds.

ENROLLED BILLS REPORT

HB 591, requiring grocery stores to mark each packaged item offered for sale with a price.

HB 1013, reviving the charters of the New Hampshire Karting Association and Loctite Luminescent Systems, Inc. and relating to powers of the New Hampshire Historical Society.

HB 1039, relative to a bingo fee.

HB 1052, relative to a public trust grant for Mount Sunapee and Cannon Mountain ski resorts' snowmaking.

HB 1082, making an appropriation to the Wallop-Breaux fund.

HB 1099, relative to controlled drugs and pharmacy licensing.

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility.

HB 1122, establishing a study committee on the best use of the Kona Wildlife Area in the town of Moultonborough.

HB 1158, relative to protecting the United States flag from desecration when it is properly displayed on public or private property.

HB 1193, relative to wage withholding.

HB 1258, establishing a New Hampshire clean lakes program.

HB 1309, relative to a public trust grant for the Gunstock Area ski resort's snowmaking.

HB 1404, establishing a study committee on shoreland protection and standards for such protection.

SB 383, relative to a vocational center in Claremont.

SB 388, relative to providers of emergency medical services and ski patrol personnel qualifications and licensing.

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement.

HB 1118, relative to the disabled.

HB 1152, relative to confidentiality of information regarding videotape rentals.

HB 1171, relative to the purchase of breath analyzer machines and making an appropriation therefor.

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles.

HB 1189, relative to reimbursement for acts which require public agency response services.

HB 1219, relative to the oil discharge and disposal cleanup fund.

HB 1384, relative to use of genetic test results as evidence in paternity proceedings.

HB 1427, relative to the recycling logo.

SB 323, establishing a committee to study the feasibility of a state agency office complex.

SB 336, relative to the statute of limitations on prosecutions for bad checks.

SB 400, increasing the appropriation for constructing regional vocational education centers.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

REVENUE REPORT

Rep. Sytek of Ways and Means addressed the House.

I had hoped to be able to give to you some good news on at least one of my monthly reports. Unfortunately, this isn't going to be the month. In fact, the picture is still bleak.

I do not have for you today a handout that updates the figures. We have received reports from Administrative Services about the actual amount of money we have received in the nine months of this fiscal year. Because the first nine months do not reflect the increased rate of the taxes we raised to balance the budget this year, comparing our new official estimates as incorporated in the budget really wouldn't be very productive. It would be comparing apples and oranges.

First I'll start with the small amount of good news there is. The cigarette tax went into effect in February and we anticipated there might be a fall-off in the number of cartons sold. That, indeed, has not happened and cigarette revenues are coming in strong.

The other morsel of good news is that liquor revenues are holding their own. In spite of the national downward trends, we are still selling enough liquor to meet our revised estimates.

That's all the good news there is. The other sources of revenue are coming in about where Ways and Means expected they would be at this point in time. In the next three months, at the new rate of the taxes we imposed in other legislation this session, we'll see how we make out. It's too early for us to say anything constructive in that area. The point that we want to bring to your attention is that the business profits tax is going to be less than we had anticipated — even less than our revised lower estimates. We think that the business profits tax, instead of being \$114 million, will come in at \$104 million in 1990. We made next year's estimate based on 1990 growing a little bit, and it isn't growing. We don't think we'll do better next year than we did this year. Our best guess at this point, given what's happening in BPT, is that we will be short \$10 million this year and possible \$13 million next year, just in business profits tax. So that adds up to \$23 million less than what we thought we had. That assumes all the other taxes come in on target. Some of them may do better; some of them may do worse. But we think we'll have at least a \$23 million problem for the rest of this biennium.

By the way, there is \$28 million in the rainy day fund. We knew that when we made these revenue projections.

A little bit about the BPT: We aren't the only state suffering from shortfalls in business taxes. In our sister states of Vermont and Massachusetts, and in other states

of the northeast and even with the federal government, corporate tax returns are down substantially. So, although it's small comfort, we aren't the only ones in this boat. I don't know if we will be in session when we get the May revenue numbers. If we are not, Ways and Means will continue to track the revenue as it comes in. I will report to you next month. If we are not in session, we will provide the report in the House Calendar.

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 575, relative to campaign financing.

The President appointed Sens. Bartlett, Bass and Krasker.

HB 756-FN, relative to cluster development and multi-family dwellings.

The President appointed Sens. Johnson, Heath and King.

HB 1204-FN, reinstating certain corporate charters.

The President appointed Sens. Johnson, King and Bass.

HB 348-FN, relative to damages from construction.

The President appointed Sens. Podles, Preston and Bass.

HB 1441-FN, relative to medicaid fraud.

The President appointed Sens. Podles, Preston and Roberge.

HCR 13, to protect and preserve the tenth amendment to the United States Constitution.

The President appointed Sens. Podles, Heath and Nelson.

HB 1503-FN, relative to certain general fund fees and revenues and certification of wastewater treatment plant operators. The President appointed Sens. McLane, Torr and Blaisdell.

HB 1228-FN, relative to preparation of master jury lists by computer.

The President appointed Sens. Charbonneau, Nelson and Bass.

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children.

The President appointed Sens. Podles, Nelson and Roberge.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover.

The President appointed Sens. Preston, Heath and King.

HB 1344, relative to least cost planning by electric utilities.

The President appointed Sens. St. Jean, Dupont and Podles.

HB 363-FN, relative to the issuing to trapping licenses.

The President appointed Sens. Bond, Freese and Preston.

HB 1353-FN, relative to the oversight committee on health and human services.

The President appointed Sens. Preston, Bond and Podles.

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements.

The President appointed Sens. Roberge, Blaisdell and Bartlett.

HB 731, dedicating the state police barracks in Milford.

The President appointed Sens. Torr, Preston and Roberge.

CONCURRENCE WITH AMENDMENTS

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.

SB 386, relative to a public trust grant for the town of Lincoln's water supply and Loon Mountain Recreation Corporation's snowmaking.

SB 319, relative to a uniform principal and income act.

SB 301, relative to licensing commercial vehicle drivers and to the demerit point system used to revoke or suspend certain drivers' licenses.

SB 379-FN, relative to indoor smoking.

SB 403-FN, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

SB 321, relative to group health insurance.

SB 370-FN, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant.

ENROLLED BILLS AMENDMENTS

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester.

Amendment

Amend the bill by replacing section 2 with the following:

2 Contingency; Renumbering. If HB 490, "An act establishing a speed limit on a portion of the Connecticut River" becomes law, RSA 270:120 as inserted by section 1 of this act shall be renumbered to read as RSA 270:121. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 270 which inserts any new section into the chapter becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

HB 1200, to change the name of the governor's commission for the handicapped.

Amendment

Amend page 1 of the bill by replacing lines 7-10 with the following:

with a Disability. Amend the following RSA provisions by replacing:

I. "Physically handicapped persons", "handicapped citizens"; or "handicapped persons" with "persons with a disability": 151-C:7, III; 207:10-c, section

Amend page 2 of the bill by replacing line 11 with the following:

disability": RSA 266:61, II.

Amend page 2 of the bill by replacing lines 23-25 with the following:

170-G:10, IV; 186-B:1; 186-C; 188-E:5; 193:3; 198:20-a; 198:25; 198:28, IX; 200:26; 200-C:2; 200-C:16; 200-C:17; 201-A:2, VI(a); 224:12-a; 260:21, I(b); 265:73-a; 266:61-a, section heading; 275-C:10, III; 287-E:7,

Amend page 3 of the bill by replacing line 5 with the following:

354-A:8; 354-A:13; 651:6, I(e).

Amend section 2 of the bill by deleting paragraphs VIII and IX and renumbering the original paragraphs X-XIV to read as VIII-XII, respectively.

Amendment adopted.

HB 1360, relative to the regulation of private detectives.
relative to the regulation of private detectives.

Amendment

Amend the bill by replacing line 3 of RSA 106-F:8, III as inserted by section 7 of the bill with the following:

check *and investigation* provided in RSA 106-F:7[, III]. The

Amend the bill by replacing line 4 of RSA 106-F:13-a as inserted by section 11 of the bill with the following:

local police department in the municipality in which the felony occurred.

Amendment adopted.

HB 1364, relative to energy conservation standards in new building construction.

Amendment

Amend RSA 155-D:7, II as inserted by section 5 of the bill by replacing lines 1-2 with the following:

II. Towns or cities which prior to [the effective date of this chapter] **August 24, 1979**, have enacted a [comparable,] nationally recognized equivalent of

Amend RSA 155-D:10 as inserted by section 7 of the bill by replacing line 5 with the following:

RSA 155-D[:2, V]. [In addition,] Before filing a notice of proposed rule

Amend the bill by deleting section 8 and renumbering the original sections 9 and 10 to read as 8 and 9, respectively.

Amendment adopted.

SB 402-FN-A, relative to certain positions in the insurance department and making appropriations therefor.

Amendment

Amend section 8 of the bill by replacing line 5 with the following:

pursuant to this section. The governor is authorized to draw his warrant for

Amendment adopted.

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 11 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 309-FN-A, establishing a New Hampshire heritage trail and making an appropriation therefor.

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor.

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor.

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system and relative to supplemental allowances to retirement system members.

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

SB 351, relative to the Pease Air Force Base development authority and making an appropriation therefor.

SB 373-FN-A, relative to compulsory school attendance and to home education.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor.

SB 392-FN, relative to the Spaulding turnpike.

SB 398, relative to the east-west highway study.

Rep. Sytek moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:40 p.m.

RECESS

CONFEREE CHANGES

HB 1204 Rep. Leroy Dube replaces Rep. Flanagan

HCR 13 Rep. White replaces Rep. Flanagan

HB 1301 Rep. Arnesen replaces Rep. Tsiros

Rep. Theriault moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Wednesday, April 11, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Father Maurice Lagueux of St. Martin's Catholic Church in Somersworth, guest of Rep. Frechette.

Almighty and eternal God, I thank You for the privilege of serving as Guest Chaplain here today.

At times, when everything is going right, it must be awe inspiring to witness and to be part of democracy in action. At other times, when everything is going wrong it could be discouraging. But at all times, as Representatives, you must remember your responsibility of working for the common good.

Lord God, give our Representatives, the good health, strength, courage and wisdom to continue their challenging work at all times. Give them Your guiding light and help them in all their deliberations so that they will achieve legislation of good quality.

Bless them, their families, and the people they represent so that all may enjoy the fruits of their labor. Amen.

Rep. Daigle led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Bernard, Julie Brown, Patricia Cote, Crutchley, Fair, Flanagan, Holbrook, Lozeau, Mason, Moore, Nardi, Pratt, Sanderson and Soucy, the day, illness.

Reps. Apple, Braiterman, Burton, Dube, Dunn, Dyer, Grip, Haynes, Hoelzel, Hollingworth, Hynes, Kilbride, Lachance, Lown, Parr, Parsons, Prestipino, Rosenkrantz, Shackett, Swope, Saunders, Ralph Torr, Tsiros and Wallner, the day, important business.

Rep. Kinney, the day, illness in family.

INTRODUCTION OF GUESTS

Donna McCain, guest of Rep. McCain; J. Andrew Gamble, former student Senator, former student Representative to The Academic Affairs Committee of the U.S.N.H. Board of Trustees, Tracy Wing, full-time student, Jeff Lisbon, President of Students for a Healthy Campus, Randy Spartifchino, candidates for student body presidency UNH, Durham, all UNH Durham students, guests of Rep. Weddle; members of the Executive Board of the New Hampshire Federation of Republican Women, including former Representative and Senator, Audrey Carragher from Nashua, guests of Rep. Holden, Pearson and Skinner; Rachel Gagnon, Marie Mainoille and Henry Lagueux, friends and brother of Father Maurice Lagueux and guests of Rep. Roland Frechette.

PETITION

We oppose the \$300 mid-semester tuition increase and we demand that this amount be rescinded and/or refunded in receipt of a petition. Signed by 600 University of New Hampshire students.

(Rep. Chambers in the Chair)
SENATE MESSAGES
NONCONCURRENCE

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1347, relative to quality assurance records of community mental health programs. (Amendment printed SJ 15, 3/27/90)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Pappas, Senter and Copenhaver.

HB 1120, relative to notice of insurance cancellation. (Amendment printed SJ 15, 3/27/90)

Rep. Fraser moved that the House nonconcur and request a Committee of conference.

Adopted.

The Speaker appointed Reps. Packard, Fair, MacAskill and Braiterman.

HB 1432, relative to the New Hampshire rivers management and protection program. (Amendment printed SJ 16, 3/29/90)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Bardsley, Blanchard and Maviglio.

REQUESTS COMMITTEES OF CONFERENCE

SB 320, relative to court-ordered commitments.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Thomas Gage, Sytek, Murphy and Keans.

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages.

Rep. Kelley moved that the House accede.

Adopted.

The Speaker appointed Reps. Kelley, Klemm, Behrens and Lemire.

SB 361, relative to radon gas and lead paint.

Rep. Rodeschin moved that the House accede.

Adopted.

The Speaker appointed Reps. Rodeschin, Vogler, Spear and Rosen.

SB 374-FN, establishing a study committee to examine probate court reporting requirements.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Thomas Gage, Burling, Lockwood and Martling.

SB 391-FN, relative to confidential communications between certain victims and counselors.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Lown, Burling, Moore and Lockwood.

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. C. William Johnson, Murphy, Lozeau and Jasper.

REGULAR CALENDAR

SB 333-FN-A, making a supplemental appropriation to aid the sensory impaired. **OUGHT TO PASS WITH AMENDMENT.**

Because of the shortfall in revenue, the amendment reduces the appropriation of \$50,000 to \$25,000. \$20,000 represents the funds needed to repair a major piece of equipment, which is then loaned out to the local school districts. In addition, there is \$5,000 for educational materials for said districts' use. Vote 15-4. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Supplemental Appropriation. In addition to any other sums appropriated, the sum of \$25,000 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of education for the purpose of funding aid to the sensory impaired as provided in the statewide special education program: \$20,000 shall be used for repair of testing equipment, and \$5,000 shall be used for purchase of educational materials for school districts. Such appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

SB 353-FN, requiring state agencies to purchase recycled paper products. **OUGHT TO PASS WITH AMENDMENT.**

This bill will mandate state agencies to purchase recycled paper products. The amendment specifies that the Tobey School will receive revenue generated by its recycling program after reasonable costs are deducted for administration of the program. Vote 18-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend RSA 21-I:14-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Funds received by state agencies for recyclable materials sold under programs established pursuant to RSA 21-I:14-a, I shall be deposited into a recycling fund to be administered by the director, division of plant and property management. The director of the division shall first deduct the reasonable costs associated with the administration of the fund. Other moneys in the fund shall be used to conduct the recycling program at the Toby School in accordance with the funding requirements for such program as submitted by the Toby School. Any remaining moneys in the

fund may be used to reimburse the department for price preference differentials granted to vendors selling recycled products to the state under RSA 21-I:11, III-a, and assist in the establishment of recycling programs in state agencies.

Amendment adopted.

Ordered to third reading.

SB 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits. (A) OUGHT TO PASS WITH AMENDMENT.

This bill provides for surgical and medical benefits for the children of deceased group II members and provides for accidental death benefits. The amendment carries an appropriation for the Retirement System from the Retirement System Administrative Account to hire three additional staff and to cover additional current expenses, equipment and benefits. Vote 17-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits and making a supplemental appropriation to the New Hampshire retirement system.

Amend the bill by replacing section 7 with the following:

7 Supplemental Appropriation for New Hampshire Retirement System. The following sums are hereby appropriated to PAU 01, 10, 01. These sums shall be in addition to any other sums appropriated to the New Hampshire retirement system for fiscal year 1991. The New Hampshire retirement system shall use the amounts necessary from this appropriation in order to hire 2 senior accounting technicians, labor grade 13, and one retirement investigator, labor grade 19, for the purposes of administering RSA 100-A. Said sums shall be an appropriation from the retirement system administrative account:

| | FY 1991 |
|--------------------------------|----------|
| 10 Personal services-permanent | \$59,341 |
| 20 Current expenses | 1,200 |
| 30 Equipment | 18,028 |
| 60 Benefits | 16,515 |
| Total | \$95,084 |

8 Effective Date.

I. Sections 1, 2, and 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

The bill provides that the offset provisions for workers' compensation, accidental death benefits under RSA 100-A:8 shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty.

The bill also adds eligibility requirements for medical coverage for group II members who have other medical insurance.

The bill adds, upon meeting specified requirements, certain children and surviving spouses of deceased group II members to the list of individuals eligible to receive medical benefits from the New Hampshire retirement system.

Beginning on July 1, 1990, the bill also limits the level of medical benefits which the New Hampshire retirement system shall pay for group II members. Beginning on July 1, 1990, the maximum amount payable by the retirement system for each person qualified to receive medical benefits who is not entitled to medicare benefits, shall be \$101.50 per month, and for each person qualified to receive medical benefits who is entitled to medicare benefits, the maximum amount payable shall be \$64 per month. As of July 1, 1991, and on each July 1 thereafter, the maximum amount payable by the retirement system shall be increased by 8 percent, compounded on previous increases.

The bill also makes a supplemental appropriation of \$95,084 to the New Hampshire retirement system for fiscal year 1991. The sum is appropriated from the retirement system administrative account, for the purpose of hiring 2 senior accounting technicians and one retirement investigator.

Amendment adopted.

Ordered to third reading.

SB 401-FN, relative to fines imposed for DWI. (A) OUGHT TO PASS WITH AMENDMENT.

As amended, this bill legislates a mandatory fine for first offense DWI of \$350 and a mandatory fine for second offense at \$500. Vote 18-0. Rep. Stacey W. Cole for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fines imposed for DWI.

Amend the bill by replacing sections 1 and 2 with the following:

1 Mandatory Minimum Fine Established; DWI. Amend RSA 265:82-b, I(a) to read as follows:

(a) Notwithstanding the provisions of title LXII, be guilty of a violation and fined *not less than \$350 and* not more than \$1,000; and, if a resident of this state, his driver's license or driving privilege or, if he is a nonresident, his privilege as an out of state driver to drive on any ways of this state shall be revoked for a period of not less than 90 days; and, in either situation, at the discretion of the court, such revocation of a license or resident or nonresident driving privilege may be extended for a period not to exceed 2 years;

2 Mandatory Minimum Fine Established; DWI; Second or Subsequent Offense. Amend RSA 265:82-B, I(b)(1) to read as follows:

(b)(1) Upon conviction based upon a complaint which alleged that the person has had one or more prior convictions in this state or another state and were within the 7 years preceding the date of the second or subsequent offense, be guilty of a misdemeanor and shall be sentenced upon conviction or at the end of the defendant's appeals period to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24 hour periods shall be served in the county house of corrections and 7 consecutive 24 hour periods shall be served at the state operated multiple DWI offender intervention detention center within 21 days after conviction or at the end of

the defendant's appeals period. In addition, the defendant shall be fined not *less than \$500 and not* more than \$1,000 which shall be paid to the clerk of court. In such circumstances where the multiple DWI offender intervention detention center has no available space, he shall be assigned the first available space.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 1991.

Amend the bill by deleting sections 5-9.

AMENDED ANALYSIS

This bill sets a mandatory minimum for the fine imposed for driving under the influence of alcohol or a controlled drug at \$350 and for a second or subsequent such offense at \$500. Current law sets no such mandatory minimum, but requires that an offender be fined no more than \$1,000 for each such offense.

The bill also increases the mandatory minimum of the fine imposed for aggravated DWI from \$350 to \$500. The maximum fine of \$1,000 for aggravated DWI remains the same.

The bill also increases the mandatory minimum of the fine imposed for aggravated DWI, in which the offender is involved in a motor vehicle accident resulting in serious bodily injury, from \$500 to \$1,000. The maximum fine of \$2,000 for such an aggravated DWI offense remains the same.

Rep. Thomas Gage spoke against the amendment and yielded to questions.

Rep. Spencer spoke in favor of the amendment and yielded to questions.

Reps. Benton, Stacey Cole and LaMott spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share. **OUGHT TO PASS WITH AMENDMENT.**

This bill allows teachers who job share and are now inappropriately enrolled in group I Retirement System to have service rendered recalculated to actual service. It establishes a study committee to study job sharing for group I members in the Retirement System. Vote 17-0. Rep. Channing T. Brown for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to creditable service for teachers who job share, and to
establish a committee to study job-sharing for
group I employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Teachers Who Job Share. In the case of any teacher in service or retired prior to July 1, 1990, who shared a job-sharing teaching position with another teacher during any period before July 1, 1990, and who was inappropriately enrolled for retirement purposes and who has received service credit for the full period of such job-sharing service, creditable service rendered through June 30, 1990, shall have their creditable service recalculated by their employer to conform to the actual service which they have rendered in the job-sharing position.

2 Study Committee Established.

I. There is hereby established a study committee on job-sharing for group I members of the New Hampshire retirement system. The study committee shall be composed of the following members:

(a) Three members of the house of representatives, to be appointed by the speaker of the house.

(b) Three members of the senate, to be appointed by the president of the senate. The appointments of the members in this paragraph shall be made within 60 days of the effective date of this act.

II. The committee shall study the current provisions of RSA 100-A dealing with members of group I of the New Hampshire retirement system who job share.

III. The committee shall submit a report of its findings to the governor, the speaker of the house of representatives, and the senate president no later than November 1, 1990.

3 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

The bill states that each teacher in service prior to July 1, 1990, who job shares and each currently retired teacher retired as of June 30, 1990, who shared a job sharing teaching position with another teacher, who was inappropriately enrolled for retirement purposes and received service credit for the full period of job sharing, shall have his creditable service rendered through June 30, 1990, recalculated by his employer to conform to the actual service which was rendered in the job-sharing position.

The bill also establishes a committee to study job-sharing for group I members of the New Hampshire retirement system. The committee must complete its report and submit its findings no later than November 1, 1990.

Amendment adopted.

Ordered to third reading.

ENROLLED BILLS REPORT

HB 442, establishing a lakes management and protection program.

HB 562, making technical changes in the election laws.

HB 1054, relative to memorials for veterans and relative to the real estate exemption for surviving spouses of veterans.

HB 1068, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds.

HB 1143, relative to registration and operation of OHRVs.

HB 1227, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect.

HB 1200, to change the name of the governor's commission for the handicapped.

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester.

HB 1360, relative to the regulation of private detectives.

HB 1364, relative to energy conservation standards in new building construction.

Rep. Ann J. Bourque, Sen. David P. Currier for the Committee

PERSONAL PRIVILEGE

Rep. Wadsworth addressed the House.

Rep. Gross moved the remarks of Rep. Wadsworth be printed in the Journal.

Adopted.

Thank you, Madame Speaker and members of the House. I'm a little bit nervous about this, I've never done this before but I feel I must take the floor as a matter of personal integrity. I'm speaking primarily to Republicans in this House but I think there is a message here for the Democrats as well.

Many of you are aware of a letter that came out from an organization known as "Republicans for Choice." My name appeared on that letter as a member of the organizing committee of an organization which says it has three stated purposes: To change the Republican national platform; to raise money to work at all levels, primaries and otherwise, to elect only pro-choice Republican candidates; and the third one was to make sure that Republicans get elected.

I have written a letter that I would like to read to you, to Ann Stone who signed that letter from "Republicans for Choice." It is very important to me that you hear this:

"Ms. Ann E. W. Stone
Republicans for Choice
1315 Duke Street
Suite 201
Alexandria, Virginia 22314

Dear Ms. Stone:

In late January of this year, I received a telephone inquiry from Mr. Roger Stone. He asked if I would be willing to serve on a committee which would meet to discuss the abortion issue and to see if it would be possible to remove the issue from the 1992 Republican National Platform. This was to be a fairly small group — two or three people from each state. Mr. Stone said he was seeking moderate, pro-choice Republicans who had not necessarily been active with regard to this issue. At no time did Mr. Stone indicate that this group would be involved in fund-raising or working to promote or defeat candidates based on their position on abortion.

I asked Mr. Stone if the Bush Administration was aware of the formation of this committee, and he assured me that Lee Atwater, among others, was aware of the plan to attempt a modification in the Republican National Platform through the removal of the abortion issue and had no objection to the formation of such a group.

As someone who believes that a woman should have the right to choose a safe and legal abortion, and that this decision of whether to choose an abortion should be made by the individual and not the State, I was pleased to accept the invitation to work with other Republicans to effect change in our party's platform. I fully expected that this would involve meetings and discussion of the issue. I did NOT expect or agree to be part of an "organizing committee" for a plan of action obviously organized by others without my knowledge or consent. If the emphasis of this "committee" is fund raising, primarily to work for the election of pro-choice candidates, I do NOT wish to participate.

I was extremely distressed, to say the least, to see a letter sent to my colleagues in the New Hampshire Legislature, as well as other Republicans, indicating that I was a member of an organizing committee dedicated to raising money to promote the election of pro-choice Republicans."

(As an aside, I repeat, it's also indicated in the primaries.)

"The obvious implication drawn is that I would therefore work to defeat those who do not share my views on abortion. I have never believed that one should choose to vote for a candidate based on one issue — this or any other. Many of my colleagues do not agree with the pro-choice abortion position, but they are excellent legislators!

It is insulting to have been asked to participate in one activity and then to learn that the purpose has been restructured and changed without one's knowledge.

I would appreciate an immediate response to this letter."

Copies of this letter have been left with Congressman Douglas, with Congressman Smith, with the Governor's office and with the other two people who were listed as members of the organizing committee.

I would like to state to all of you that each one of the three of us was told exactly the same thing; that this would be a group to discuss an optional plank to the Republican national platform for consideration by the platform committee.

I'm a member of the Republican State Committee. I'm an Area Vice-Chairman. There is no way that I would work for or against any Republican, based on any position they held, in any primary. I believe that when it comes to candidates, that voters also should have a choice. I wish to apologize to any members of this House who feel that my name appearing on that letter implied that I feel that any of you should not be here. You do a good job. I'm proud to be one of you. I'm sorry if this has caused any misunderstanding. Thank you.

The House Committee on Education offered the following:

RESOLUTION NO. 61

honoring Otis E. Cloud

WHEREAS, a gentleman is defined as one of gentle and refined manner; a well-bred man of character and fine feelings, and

WHEREAS, in the collective opinion of his family, his friends, and his colleagues, Otis E. Cloud, is a man who epitomizes that definition, and

WHEREAS, Otis E. Cloud, for more than thirty years has been an untiring public servant, including service as Moderator of Ward 1 in Lebanon, and as a representative to the 1974 Constitutional Convention, and

WHEREAS, Otis E. Cloud served on the Lebanon School Board for eighteen years, including two terms as Chairman, and ten years on the State Board of Education, and

WHEREAS, Otis E. Cloud served twice as President of the New Hampshire School Boards Association, was presented its Distinguished Service Award in 1966, and in 1975 was the recipient of the only Distinguished Service Award with oak leaf cluster ever given by that organization, and

WHEREAS, Otis E. Cloud was appointed by Governor Walter Peterson to the Citizens Task Force to Study State Government, and By Governor Meldrim Thomson to a Committee to study the Voucher System, now therefore be it

RESOLVED, by the Speaker of the House, that Otis E. Cloud on this occasion, marking the end of his two terms on the State Board of Education, be lauded and granted highest accolades for his more than thirty years of outstanding and untiring service to the State of New Hampshire and its thousands of public school students, and be it further

RESOLVED, that Otis E. Cloud be saluted for his commitment to education, and that a suitable copy of this Resolution be prepared for presentation to him.

Adopted.

(Speaker in the Chair)

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 12 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 333-FN-A, making a supplemental appropriation to aid the sensory impaired.

SB 353-FN, requiring state agencies to purchase recycled paper products.

SB 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits and making a supplemental appropriation to the New Hampshire retirement system.

SB 401-FN, relative to fines imposed for DWI.

SB 406-FN, relative to creditable service for teachers who job share, and to establish a committee to study job-sharing for group I employees.

Adopted.

Rep. Spear moved that the House stand in recess for the purposes of honoring Rep. Chambers, and for Enrolling Reports only.

Adopted.

The House recessed at 2:30 p.m.

RECESS

Rep. Benton moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 20

Thursday, April 12, 1999

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Honorable M. Arnold Wight, Jr., of the First Church of Christ Scientist in Milford.

To know wisdom and instruction; to perceive the words of understanding;

To receive the instruction of wisdom, justice, and judgment, and equity;

To give subtly to the simple, to the young man knowledge and discretion.

A wise man will hear, and will increase learning; and a man of understanding shall attain unto wise counsels:

Lord:

May those who have come together in this chamber today to serve You and their community be assured of Your guidance in demonstrating wisdom and economy, making their decisions on the basis of their highest sense of what is right. Amen.

Rep. Lemire led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Flanagan, Holbrook, Hynes, Lachance, Lozeau, Mason, Nardi, Pignatelli, Pratt, Richardson, Sanderson and Soucy, the day, illness.

Reps. Apple, Avery, Behrens, Copenhaver, Doucette, Haynes, Kilbride, Musler, Parr, Prestipino, Toomey and Willard Young, the day, important business.

Rep. Kinney, the day, illness in family.

INTRODUCTION OF GUESTS

Helen Hurd of Freedom, guest of Rep. Allard.

The Exeter Delegation offered the following:

HOUSE RESOLUTION NO. 63

commending the varsity swimming and diving team of Exeter Area High School

WHEREAS, the varsity swimming and diving team of Exeter Area High School is comprised of thirty-two boys and girls who in February of 1990, for the fourth consecutive year, won the New Hampshire State Championship, and

WHEREAS, the final victory extended the team's overall season record to eight wins against no losses, and

WHEREAS, in order to remain undefeated and win a fourth consecutive State Title, the thirty-two competitors on the varsity swimming and diving team of Exeter Area High School had to outperform swimmers and divers representing twenty-one New Hampshire high schools, and

WHEREAS, the varsity swimming and diving team of Exeter Area High School has been in existence only four years, during which time the student-athletes have written an illustrious and enviable history, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Bob Watkins, and led by Tri-Captains Erik Loranger, Tara McGarr and Mindy Zych, and

WHEREAS, the members of the championship team have brought great honor to their school, their families and their community, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the varsity swimming and diving team of Exeter Area High School be saluted and recognized for winning the 1990 State Championship, and be it further

RESOLVED, that the athletes and coach receive highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Exeter Area High School.

Adopted.

SENATE MESSAGES

NONCONCURRENCE WITH AMENDMENTS

REQUESTS COMMITTEES OF CONFERENCE

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

The President appointed Sens. Bond, Heath and Preston.

Rep. Grodin moved that the House accede.

Adopted.

The Speaker appointed Reps. Golden, Allard, Baldizar and Daneault.

SB 359, relative to modifying planning board procedures on plats.

The President appointed Sens. Heath, Johnson and Krasker.

Rep. Grodin moved that the House accede.

Adopted.

The Speaker appointed Reps. Metzger, Wadsworth, Dykstra and Baldizar.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. (Amendment printed SJ 12, 3/15/90)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Pelley, Kenneth MacDonald and Richard Campbell.

HB 705-FN, relative to drug-free school zones and making appropriations therefor. (Amendment printed SJ 18, 4/10/90)

Rep. McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McCain, Brady, Nordgren and Robinson.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services. (Amendment printed SJ 14, 3/22/90)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. LaMott, Elizabeth Greene, Popov and Matson.

HB 1028, relative to the number of events at which a club may serve liquor in a year. (Amendment printed SJ 12, 3/15/90)

Rep. Simon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Simon, McKinney, William Desrosiers and Lemire.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities. (Amendment printed SJ 18, 4/10/90)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lawrence Chase, Simon, Katherine Foster and Parks.

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels. (Amendment printed SJ 18, 4/10/90)

Rep. Sochalski moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Pappas, Copenhaver and Ward.

HB 1386-FN, relative to child support enforcement. (Amendment printed SJ 14, 3/22/90)

Rep. Bean moved that the House concur.

Adopted.

HB 1289-FN, relative to DWI offenses. (Amendment printed SJ 13, 3/20/90)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 1343-FN, establishing a study committee on private contract prison systems. (Amendment printed SJ 8, 2/8/90)

Rep. Phelps moved that the House concur.

Adopted.

HB 1057-FN-A, relative to a fee for lucky 7 tickets. (Amendment printed SJ 14, 3/22/90)

Rep. Simon moved that the House concur.

Adopted.

HB 1315-FN, relative to child support guidelines. (Amendment printed SJ 14, 3/22/90)

Rep. Bean moved that the House concur.

Adopted.

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies. (Amendment printed SJ 16, 3/29/90)

Rep. Bean moved that the House concur.

Adopted.

HB 1348-FN-A, relative to access to health care for the uninsured and making an appropriation therefor. (Amendment printed SJ 14, 3/22/90)

Rep. Fraser moved that the House concur.

Adopted.

SUSPENSION OF RULES

Rep. Hager moved that the Rules be so far suspended as to permit introduction and consideration at the present time, of House Resolution No. 62, relative to biennial budget reductions, and spoke to her motion.

Adopted by the necessary two-thirds.

Rep. Hager offered the following:

HR 62, relative to biennial budget reductions.

Whereas, in-depth study and deliberation of the ways and means committee has made the New Hampshire House of Representatives aware of the serious continuing revenue shortfall in the state of New Hampshire; and

Whereas, the House has already passed a biennial budget which has on 2 occasions been severely reduced; and

Whereas, the house appropriations committee has closely examined each line of the budget and is knowledgeable concerning which programs are most critical; and

Whereas, the House is gravely concerned about the effects of further spending reductions, particularly in the areas of direct aid to cities, towns, counties and school districts and direct services to the citizens of this state; and

Whereas, mandated layoffs have created severe hardship to state employees and limited state services to our citizens; now, therefore, be it

Resolved by the House of Representatives:

That, if the governor chooses to use his statutory authority under RSA 9:16-b to further reduce expenditures and, if the house members of the fiscal committee meet to then take action on any such reductions under statutory authority prior to final approval, any recommendations pursuant to RSA 9:16-b relative to biennial budget reductions from the governor in excess of a cumulative total of 3 million dollars be presented to members of the house appropriations committee for their sense and advice before the fiscal committee takes any action.

Reps. Weymouth and Chambers spoke in favor of the resolution and yielded to questions.

Resolution adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Thomas Gage moved that the House reconsider its action whereby it concurred with the amendment to HB 1289 and spoke to his motion.

Reconsideration adopted.

Rep. Thomas Gage moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Jasper, Dwyer and Hultgren.

SPECIAL ORDER

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations. (A) OUGHT TO PASS WITH AMENDMENT.

This bill appropriates \$14,000 so that the licenses for barbers, cosmetologists and others can be sent in a timely manner. That money will be more than recouped with the license fees. The first part of the amendment was requested to clarify when licenses are renewed. The second part of the amendment allows the Nursing Board to collect fees for the distribution of its rules. Vote 18-0. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to disciplinary actions and licenses relating to the barbering, cosmetology and esthetics board and making an appropriation for sending out license renewal notices and continually appropriating fees for nursing board rules to the nursing board.

Amend RSA 313-A:18 as inserted by section 2 of the bill by replacing it with the following:

313-A:18 Expiration and Renewal of Licenses. Each barber, barber instructor, apprentice, barbershop, [or] barber school, *esthetician, esthetics instructor, esthetics school, esthetics salon, manicurist, apprentice, beauty salon, or manicuring salon* license issued under this chapter shall expire on June 30 in the odd year next succeeding its date of issuance. Each [esthetician, esthetics instructor, esthetics school, esthetics salon,] cosmetologist, [manicurist,] cosmetology instructor, [apprentice, beauty salon, manicuring salon,] or cosmetology school license issued under this chapter shall expire on [June 30] *the birthday of the licensee* in the even year next succeeding its date of issuance. Any license which has expired may be renewed at any time during the year next following upon payment of the renewal fee established by the board and an additional fee of \$5, and at any time during the next succeeding year period upon the payment of the renewal fee and an additional fee of \$10. If the holder of any license fails to renew the same within 2 years after its expiration, he may renew the same within 5 years after expiration by paying the same fee required for an original license.

Amend section 4 of the bill by replacing it with the following:

4 Board of Nursing; Sale of Rules. Amend RSA 326-B:11 to read as follows:

326-B:11 Fees Payable. Fees, other than those collected under RSA 326-B:29 *and fees for the sale of rules*, shall be made payable to the treasurer, state of New Hampshire, and *shall* be deposited in the general fund. The board shall recover at least 125 percent of its direct expenses through license fees. *Fees collected for the sale of rules shall be restricted revenue to the board and shall be used to offset the cost of printing and distributing such rules. These fees shall not exceed 100 percent of the cost of printing and distribution. Such fees are continually appropriated to the board for the purposes of this section.*

5 Effective Date.

I. Section 1 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the cosmetology board to impose additional disciplinary penalties for violation of the barbering, cosmetology, and esthetics law.

The bill also changes the expiration date of certain cosmetology licenses from June 30 in each even year to the birthday of the licensee in each even year.

The bill appropriates funds to the board for the purpose of sending out license renewal notices.

The bill makes fees collected by the board of nursing for the sale of rules restricted revenue to be used by the board to offset the cost of printing and duplicating its rules. Such fees are continually appropriated to the board.

Rep. Dykstra spoke against the amendment.

Reps. Robinson and Ann Torr spoke in favor of the amendment and yielded to questions.

Rep. Goulet spoke to the amendment.

On a division vote, 147 members having voted in the affirmative and 163 in the negative, the amendment lost.

Ordered to third reading.

COMMITTEE REPORTS REGULAR CALENDAR

SB 409-FN, relative to school attendance as a condition of issuance of drivers' licenses to minors. REFER FOR INTERIM STUDY.

Due to the complexity of the issues, including new materials and information after the Committee hearings, the Committee does not wish to recommend Inexpedient to Legislate, but does believe interim study would clarify its deliberations and it would be able to examine further New Hampshire dropout statistics. Vote 17-0. Rep. Robert H. Guest for Education.

Report adopted.

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

This bill provides the mechanics to address revenue shortfalls and unbalanced budgets when the House is informed by the Governor. Vote 14-5. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of the governor to order reductions in rates
of expenditures of departments of state government.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Deficit Reduction; Powers and Duties of the Governor. Amend RSA 9 by inserting after section 13-c the following new section:

9:13-cc Deficit Reduction; Powers of Governor.

I. Should it be determined by the director, division of accounting services that during 3 consecutive months there has occurred such a decline in state revenues as would, if continued, cause a serious deficit in the biennial state budget, the director, division of accounting services shall immediately report the fact to the governor. On receipt of such report the governor may order, with the advice and consent of the house appropriations committee and senate finance committee, reductions in rates of expenditures within all or any departments of state government, so that such decline in revenue will not result in the incurrence of further state debt. The governor, with the advice and consent of the house appropriations committee and senate finance committee, may from time to time revise such reductions in rates. The governor may terminate the application of such reductions in rates at any time he finds that their

continued application is no longer necessary or advisable, and shall so terminate them whenever the house appropriations committee and senate finance committee, voting separately, by majority vote, vote that they shall be discontinued.

II. Should it be determined by the director, division of accounting services that during 3 consecutive months there has occurred such a decline in fish and game revenue or in highway fund revenues as would, if continued, cause a serious deficit in the fish and game fund or in the highway fund, the director, division of accounting services shall immediately report the fact to the governor. On receipt of such report, the governor may order, with the advice and consent of the house appropriations committee and senate finance committee, reductions in rates of expenditures within any departments funded by the fish and game fund or by the highway fund respectively so that the decline will not result in the incurrence of further deficits in said funds. The governor, with the advice and consent of the house appropriations committee and senate finance committee, may from time to time revise such reductions in rates. The governor may terminate the application of such reductions in rates at any time he finds that their continued application is no longer necessary or advisable, and shall so terminate them whenever the house appropriations committee and senate finance committee, voting separately, by majority vote, vote that they shall be discontinued.

2 Repeal. RSA 9:16-b, relative to the governor's authority to order certain reductions in expenditures by state departments, is repealed.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that if the director of the division of accounting services determines that for 3 consecutive months there has been a decline in state revenues, fish and game revenues or highway revenues which would cause a serious deficit in the biennial state budget, the fish and game fund or the highway fund, the governor may order, with the advice and consent of the house appropriations committee and the senate fiscal committee, reductions in rates of expenditures within all or any departments of state government.

The bill also repeals RSA 9:16-b which was adopted in the 1990 legislative session and authorizes the governor, with the approval of the fiscal committee, to order reductions in expenditures in certain situations.

Rep. Densmore spoke in favor of the report.

Rep. Hager spoke against the report and yielded to questions.

Rep. LaMott requested a quorum count.

The Speaker declared a quorum present.

Rep. LaMott spoke in favor of the report and yielded to questions.

Rep. Stacey Cole spoke against the report.

Rep. Kidder moved that SB 326 be laid upon the table.

A roll call was called for. Sufficiently seconded.

YEAS 219

NAYS 121

YEAS 219

BELKNAP

Bolduc, Dennis R.
Pearson, Ralph W.
Turner, Robert H.

Golden, Paul A.
Randall, Kenneth A.
Vogler, Charles C.

Hardy, Earle D.
Rosen, Ralph J.
Ziegler, Alice S.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Powers, Gerard E., Jr.

Chandler, Gene G.
MacDonald, Kenneth J.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

CHESHIRE

Cole, Stacey W.
Grodin, Richard A.
Metzger, Katherine H.
Sawyer, Alfred P.

Delano, Robert F.
Hill, Douglas E.
Pearson, Gertrude B.
Young, David A.

Gordon, Irvin H.
Laurent, John J.
Perry, David M.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Lemire, George

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Dow, David
Larson, Nils H., Jr.
Scanlan, David M.
Ward, Kathleen W.
White, Paul R.

Bean, Pamela B.
Driscoll, William J.
Markley, J. Keith
Townsend, Howard C.
Weymouth, Philip H.

Brown, Channing T.
Hill, Richard L.
Rose, William B.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bicknell, Robert C.
Brady, Carolyn L.
Dionne, Paul R.
Drolet, Paul L.
Fields, Dennis H.
Harlan, Susan N.
Hunter, Bruce F.
Kelley, Robert N.
Lawrence, Eva M.
McCann, Bonnie Lou
Messier, Irene M.
Packard, Bonnie B.
Perham, Lester R.
Riley, Frances L.
Sallada, Roland A.
Spaloss, Henry F.
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Wright, George W.

Alukonis, David J.
Barry, Janet Gail
Biondi, Christine A.
Cox, Gladys M.
Dodge, Emma M.
Elliott, Larry G.
Goulet, Maurice E.
Healy, Daniel J.
Jasper, Shawn N.
Knight, Alice Tirrell
Lawrence, Norman B.
McDowell, James E.
Morrissette, Roland
Pappas, Toni
Record, Alice Barnard
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Steiner, Lee Anne
Tyree, Paul M.
Wheeler, David K.

Amidon, Eleanor H.
Barry, Vivian
Bowers, Dorothy C.
Desrosiers, William J.
Drabinowicz, A. Theresa
Emerton, Lawrence
Grip, Robert H.
Hultgren, David D.
Keefe, Edmund M.
Kurk, Neal M.
Lown, Elizabeth
McNerney, Daniel P.
Ouellette, Robert O.
Pepino, Leo P.
Rheault, Lillian I.
Rodgers, G. Philip
Smith, Leonard A.
Stiles, Walter A.
Upton, Barbara Allen
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Bennett, J. Allen
Fair, Patricia A.
Gross, Caroline L.

Barberia, Richard A.
Boucher, Laurent J.
Fillion, Paul R.
Hager, Elizabeth

Bardsley, Elizabeth S.
Carter, Susan D.
Fraser, Leo W., Jr.
Hayes, Robert C.

Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Smith, Gerald R.
Tolpin, Richard W.

Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
West, George M.

Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene
Shaw, Randall F.
Teague, Bert
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.
Chase, Lawrence A., Jr.
Drake, Herbert R.
Fesh, Robert M.
Ford, Bert H.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
King, Roger C.
MacDonald, Maurice B.
McCarthy, John James, Jr.
Raynowska, Bernard J.
Roulston, Donald L.
Seward, Russell G.
Sochalski, Matthew M.
Vartanian, Elsie
Weyler, Kenneth L.

Boucher, William Paul
Campbell, Eunice M.
Conroy, Janet M.
Dube, LeRoy S.
Flanders, Harry E.
Gage, Beverly A.
Greene, Elizabeth A.
Johnson, Robert A.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McKinney, Betsy
Remick, Barbara R.
Schmidtchen, Rowland
Simon, Peter M.
Sytek, Donna
Welch, David A.
Wright, David B.

Brown, Jeffrey M.
Campbell, Marilyn R.
Cote, Patricia L.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Palazzo, Frank J., Sr.
Ritzo, Eugene
Senter, Merilyn P.
Skinner, Patricia M.
Tufts, J. Arthur
Wells, Henry E.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Edward J.
Marling, N. Kent
Sullivan, Henry P.
Tsiros, William

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Parks, Joe B.
Swope, Warren L.
Young, John B.

Bickford, Drucilla
Flynn, Anita A.
Marston, Robert E.
Stewart, Glenn W.
Torr, Ann M.

SULLIVAN

Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik

MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 121

BELKNAP

Campbell, Richard H., Jr.
Rice, Thomas, Jr.

Hawkins, Robert S.
Salatiello, Thomas

Maviglio, Steven R.

CARROLL

Daly, Robert J., Jr.

Dodge, Arthur G., Jr.

CHESHIRE

Barber, Robert E., Jr.
Eaton, Daniel Adams
LaMar, David M.
Pierce, David A.

Blacketor, Paul G.
Foster, Katherine Davis
Matson, William R.
Spear, Susan

Cole, Kenneth A.
Hunt, John B.
Morse, Jo-Ann T.

COOS

Mayhew, Josephine
Theriault, Romeo J.

Nelson, Harold D.
Woodburn, Jeffrey R.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.
Nordgren, Sharon
Teschner, Douglass P.

Bennett, Shirley M.
Guest, Robert H.
Shackett, Ralph E.

Chambers, Mary P.
LaMott, Paul I.
Stewart, Roger

HILLSBOROUGH

Baldizar, Barbara J.
Cote, David E.
Desrochers, Gerard T.
Dube, Ellen C.
Dykstra, Leona
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Jean, Romeo W.
King, John A.
Lefebvre, Roland J.
Murphy, Robert E.
Reidy, Frank J.

Bourque, Ann J.
Culbert, Patrick
Domaingue, Jacquelyn
Dwyer, Patricia R.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Hanselman, Gregory L.
Jenkins, Mary
Lachut, Ervin R.
McRae, Karen
O'Rourke, JoAnne A.
Turgeon, Roland M.

Burkush, Peter
Daigle, Robert Arthur
Donovan, Francis X.
Dyer, Merton S.
Foote, Herbert N., Sr.
Gerow, Sezen M.
Haettenschwiller, A. A.
Holden, Carol H.
Johnson, Lionel W.
Leclerc, Charles J.
Moore, Elizabeth A.
Paquette, Rodolphe G.

MERRIMACK

Beaton, Nancy
Dunn, Miriam
Holmes, Mary C.
Trombly, Rick A.

Braiterman, Thea
Gilbreth, Robert M.
Provencal, Leo A.
Wallner, Mary Jane

Daneault, Gabriel
Hall, Douglas E.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Kane, Cecelia D.
MacKinnon, Nancy W.
McGovern, Cynthia A.
Popov, Elizabeth M.
Splaine, John E., Sr.
Weddle, Michael Rodney

Bell, Juanita
Cooke, Annette M.
Lovejoy, Virginia K.
Magoon, Harold F.
Micklon, Stephanie K.
Rosencrantz, James R.
Vaughn, Charles L.

Blanchard, MaryAnn N.
Hollingworth, Beverly A.
MacDonald, Joseph A.
McCain, William F.
Parsons, Robert F.
Sherburne, John L.
Warburton, Calvin

STRAFFORD

Burton, Wayne M.
Gilmore, Gary
O'Brien, John
Spencer, Leo J.
Wheeler, Katherine Wells

Callaghan, Robert J.
McCann, William H., Jr.
Pelley, Janet R.
Vincent, Francis C.

Frechette, Roland A.
Merrill, Amanda
Scharff, Thomas Edward
Wall, Janet G.

SULLIVAN

Burling, Peter Hoe
Stamatakis, Carol M.,
and the motion to lay upon the table was adopted.

Domini, Irene C.

Flint, Gordon B.

SB 378-FN, making technical amendments to the liquor laws. OUGHT TO PASS WITH AMENDMENT.

This bill corrects errors in the existing law as follows: (1) removes position of Executive Director which no longer exists; (2) allows a foreign-owned corporation or holding company, such as Shaw's, to sell beer and wine; (3) allows New Hampshire winery to operate under the same rules and hours as grocery stores. Vote 12-2. Rep. Frederick B. Andrews for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

making technical amendments to the liquor laws and relative to certain liquor and beverage license applications and qualifications.

Amend the bill by replacing all after section 1 with the following:

2 Delisting. Amend RSA 176:8, II to read as follows:

II. There shall be a director of marketing and merchandising who shall have such labor grade as may be determined by the division of personnel. He shall report directly to the commission. The director of marketing and merchandising shall be responsible for sales promotions, mark-up recommendations, advertising, and listing and delisting of products to maximize profits for the state. The director of marketing and merchandising shall recommend sales to promote competitive position, coordinate in-store promotion with advertising programs, and recommend to the commission the delisting of products not meeting gross profit levels and the listing of products that will maximize profits to the state. The director shall be responsible for recommending, in writing, to the commission, the listing and delisting of products with justifiable, written reasons for the recommendation. All requests for listings and delistings of products shall be made to the commission, to the attention of the chairman, which shall refer all requests to the director of marketing and merchandising for a recommendation. All recommendations for listings *and delistings* shall be forwarded to the commission in writing by the director of marketing and merchandising. The commission shall then approve or disapprove the recommendation, stating the reasons in writing. An applicant may appeal to the commission, in writing, any negative decision.

3 License Applications and Qualifications. RSA 178:10 is repealed and reenacted to read as follows:

178:10 License Applications and Qualifications.

I. Persons seeking a license under this chapter shall file an application with the commission which is in such form and contains such information as the commission may establish by rule, consistent with the purposes of this chapter. The commission shall establish application fees which are sufficient to recover the fully distributed costs of processing and investigating each type of license application required. An application which is submitted to the commission without an application fee, which is not submitted on the prescribed form, or which is otherwise incomplete in some obvious and material respect shall be summarily rejected and not accepted for filing.

II. Only individuals lawfully residing in the United States or partnerships or corporations organized under the laws of one of the United States and currently registered to do business in New Hampshire shall be licensed under this chapter.

III. All license applications shall be made in the name of the proposed licensee and shall be signed and sworn to by the proposed licensee. In the case of a partnership

or corporate applicant, the application shall be signed and sworn to by an authorized partner or officer of the proposed licensee.

IV. An applicant intending to employ a trade name in the proposed business shall submit evidence with its application which demonstrates that the trade name is currently registered in New Hampshire.

V. A separate license application shall be filed with respect to each place of business sought by a single licensee.

VI. The commission shall receive and evaluate sufficient information to identify and to evaluate the qualifications of all persons with the de jure or de facto right to control the operations and policies of the proposed licensee. Among other things, license applications shall disclose fully and accurately:

(a) The applicant's identity, the applicant's permanent residence address in the case of an individual, and the applicant's principal place of business.

(b) The names and addresses of any persons who own or have the right to control an interest in the proposed licensee.

(c) Any agency agreement or other contract between the applicant and third persons intended to affect the operation of the proposed business, and the identity of the third party involved.

(d) The applicant's other business interests.

(e) The name, location, physical layout and nature of the proposed business.

(f) Any substantial business interests involving the manufacture, sale or distribution of liquor or beverages held by any shareholder, director, officer, or partner identified pursuant to this paragraph or paragraph VII of this section.

(g) All licenses issued to and all other license applications filed by the applicant and its principal owners pursuant to this title during the previous 5 years.

(h) The name and address of the actual manager of the proposed business and his qualifications to perform such work.

VII. Corporate applicants shall disclose the names and permanent addresses of all directors, officers and shareholders, except that corporations with more than 20 shareholders may disclose only those persons owning or controlling 5 percent or more of the outstanding shares. Partnership applicants shall disclose the names and addresses of all partners, except that partnerships with more than 20 partners may disclose only those persons who are managing partners and those persons who own or control a partnership share of 5 percent or more. If the principal controlling shareholders or partners are themselves owned or controlled by other persons, then the information required by this paragraph shall also be furnished for each such person until the person or persons with the ultimate legal right to control the applicant's proposed business have been fully identified.

VIII. The commission shall not issue a license under this chapter unless it is satisfied that:

(a) The application is complete in all respects.

(b) The applicant is financially responsible and financially qualified to operate the proposed business for at least one year.

(c) The applicant, and any principal controlling owners, directors or officers disclosed pursuant to paragraphs VI and VII of this section, are at least 18 years of age and of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

(d) The applicant has accurately disclosed its interests in other business activities, and there is no substantial likelihood that these interests would interfere with the operation of the proposed business in a lawful manner and in accordance with the purposes of this chapter. An application shall be denied if the proposed licensee, or a person with a substantial ownership interest in the applicant, has other business interests licensed under this chapter which would create unreasonable opportunities for unfair competition or other unlawful activities, or which would unduly hinder the commission in exercising its regulatory and financial responsibilities.

(e) In the case of corporate or partnership applicants controlled by persons who do not reside in the United States, the proposed business would not be managed in a manner which would unduly hinder the commission from exercising its regulatory and financial responsibilities. Inaccessibility of relevant records or unresponsiveness to nondiscriminatory commission inquiries which result from foreign control shall be grounds for revoking or suspending a license which has already been granted.

(f) The person or persons actually managing the proposed business on a day-to-day basis are of good character and are professionally qualified to perform such work in a manner which complies with the laws of this state and the rules of the commission.

(g) The proposed location of the business is an appropriate one, considering the nature of the business, the nature of the surrounding neighborhood, and the number of similar businesses in that neighborhood.

IX. All license applications shall be updated and amended within 30 days following any change in the information stated in the application. This obligation shall continue after the application has been granted. Failure to notify the commission of such changes shall be grounds for denying a pending application or for revoking or suspending a license which has already been granted.

X. A transfer of the right to control a corporate or partnership applicant or existing licensee requires prior commission approval. Minor ownership changes, and changes in corporate, partnership or trade names which do not involve ownership change, shall require prior approval, but such approval shall be automatic upon the filing of an appropriate application.

4 License Applications and Qualifications. RSA 178-A:10 is repealed and reenacted to read as follows:

178-A:10 License Applications and Qualifications.

I. Persons seeking a license under this chapter shall file an application with the commission which is in such form and contains such information as the commission may establish by rule, consistent with the purposes of this chapter. The commission shall establish application fees which are sufficient to recover the fully distributed costs of processing and investigating each type of license application required. An application which is submitted to the commission without an application fee, which is not submitted on the prescribed form, or which is otherwise incomplete in some obvious and material respect shall be summarily rejected and not accepted for filing.

II. Only individuals lawfully residing in the United States or partnerships or corporations organized under the laws of one of the United States and currently registered to do business in New Hampshire shall be licensed under this chapter.

III. All license applications shall be made in the name of the proposed licensee and shall be signed and sworn to by the proposed licensee. In the case of a partnership or corporate applicant, the application shall be signed and sworn to by an authorized partner or officer of the proposed licensee.

IV. An applicant intending to employ a trade name in the proposed business shall submit evidence with its application which demonstrates that the trade name is currently registered in New Hampshire.

V. A separate license application shall be filed with respect to each place of business sought by a single licensee.

VI. The commission shall receive and evaluate sufficient information to identify and to evaluate the qualifications of all persons with the de jure or de facto right to control the operations and policies of the proposed licensee. Among other things, license applications shall disclose fully and accurately:

(a) The applicant's identity, the applicant's permanent residence address in the case of an individual, and the applicant's principal place of business.

(b) The names and addresses of any persons who own or have the right to control an interest in the proposed licensee.

(c) Any agency agreement or other contract between the applicant and third persons intended to affect the operation of the proposed business, and the identity of the third party involved.

(d) The applicant's other business interests.

(e) The name, location, physical layout and nature of the proposed business.

(f) Any substantial business interests involving the manufacture, sale or distribution of liquor or beverages held by any shareholder, director, officer, or partner identified pursuant to this paragraph or paragraph VII of this section.

(g) All licenses issued to and all other license applications filed by the applicant and its principal owners pursuant to this title during the previous 5 years.

(h) The name and address of the actual manager of the proposed business and his qualifications to perform such work.

VII. Corporate applicants shall disclose the names and permanent addresses of all directors, officers and shareholders, except that corporations with more than 20 shareholders may disclose only those persons owning or controlling 5 percent or more of the outstanding shares. Partnership applicants shall disclose the names and addresses of all partners, except that partnerships with more than 20 partners may disclose only those persons who are managing partners and those persons who own or control a partnership share of 5 percent or more. If the principal controlling shareholders or partners are themselves owned or controlled by other persons, then the information required by this paragraph shall also be furnished for each such person until the person or persons with the ultimate legal right to control the applicant's proposed business have been fully identified.

VIII. The commission shall not issue a license under this chapter unless it is satisfied that:

(a) The application is complete in all respects.

(b) The applicant is financially responsible and financially qualified to operate the proposed business for at least one year.

(c) The applicant, and any principal controlling owners, directors or officers disclosed pursuant to paragraphs VI and VII of this section, are at least 18 years of age and of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

(d) The applicant has accurately disclosed its interests in other business activities, and there is no substantial likelihood that these interests would interfere with the operation of the proposed business in a lawful manner and in accordance with the

purposes of this chapter. An application shall be denied if the proposed licensee, or a person with a substantial ownership interest in the applicant, has other business interests licensed under this chapter which would create unreasonable opportunities for unfair competition or other unlawful activities, or which would unduly hinder the commission in exercising its regulatory and financial responsibilities.

(e) In the case of corporate or partnership applicants controlled by persons who do not reside in the United States, the proposed business would not be managed in a manner which would unduly hinder the commission from exercising its regulatory and financial responsibilities. Inaccessibility of relevant records or unresponsiveness to nondiscriminatory commission inquiries which result from foreign control shall be grounds for revoking or suspending a license which has already been granted.

(f) The person or persons actually managing the proposed business on a day-to-day basis are of good character and are professionally qualified to perform such work in a manner which complies with the laws of this state and the rules of the commission.

(g) The proposed location of the business is an appropriate one, considering the nature of the business, the nature of the surrounding neighborhood, and the number of similar businesses in that neighborhood.

IX. All license applications shall be updated and amended within 30 days following any change in the information stated in the application. This obligation shall continue after the application has been granted. Failure to notify the commission of such changes shall be grounds for denying a pending application or for revoking or suspending a license which has already been granted.

X. A transfer of the right to control a corporate or partnership applicant or existing licensee requires prior commission approval. Minor ownership changes, and changes in corporate, partnership or trade names which do not involve ownership change, shall require prior approval, but such approval shall be automatic upon the filing of an appropriate application.

5 License Applications and Qualifications. RSA 181:15 is repealed and reenacted to read as follows:

181:15 License Applications and Qualifications.

I. Persons seeking a license under this chapter shall file an application with the commission which is in such form and contains such information as the commission may establish by rule, consistent with the purposes of this chapter. The commission shall establish application fees which are sufficient to recover the fully distributed costs of processing and investigating each type of license application required. An application which is submitted to the commission without an application fee, which is not submitted on the prescribed form, or which is otherwise incomplete in some obvious and material respect shall be summarily rejected and not accepted for filing.

II. Only individuals lawfully residing in the United States or partnerships or corporations organized under the laws of one of the United States and currently registered to do business in New Hampshire shall be licensed under this chapter.

III. All license applications shall be made in the name of the proposed licensee and shall be signed and sworn to by the proposed licensee. In the case of a partnership or corporate applicant, the application shall be signed and sworn to by an authorized partner or officer of the proposed licensee.

IV. An applicant intending to employ a trade name in the proposed business shall submit evidence with its application which demonstrates that the trade name is currently registered in New Hampshire.

V. A separate license application shall be filed with respect to each place of business sought by a single licensee.

VI. The commission shall receive and evaluate sufficient information to identify and to evaluate the qualifications of all persons with the de jure or de facto right to control the operations and policies of the proposed licensee. Among other things, license applications shall disclose fully and accurately:

(a) The applicant's identity, the applicant's permanent residence address in the case of an individual, and the applicant's principal place of business.

(b) The names and addresses of any persons who own or have the right to control an interest in the proposed licensee.

(c) Any agency agreement or other contract between the applicant and third persons intended to affect the operation of the proposed business, and the identity of the third party involved.

(d) The applicant's other business interests.

(e) The name, location, physical layout and nature of the proposed business.

(f) Any substantial business interests involving the manufacture, sale or distribution of liquor or beverages held by any shareholder, director, officer, or partner identified pursuant to this paragraph or paragraph VII of this section.

(g) All licenses issued to and all other license applications filed by the applicant and its principal owners pursuant to this title during the previous 5 years.

(h) The name and address of the actual manager of the proposed business and his qualifications to perform such work.

VII. Corporate applicants shall disclose the names and permanent addresses of all directors, officers and shareholders, except that corporations with more than 20 shareholders may disclose only those persons owning or controlling 5 percent or more of the outstanding shares. Partnership applicants shall disclose the names and addresses of all partners, except that partnerships with more than 20 partners may disclose only those persons who are managing partners and those persons who own or control a partnership share of 5 percent or more. If the principal controlling shareholders or partners are themselves owned or controlled by other persons, then the information required by this paragraph shall also be furnished for each such person until the person or persons with the ultimate legal right to control the applicant's proposed business have been fully identified.

VIII. The commission shall not issue a license under this chapter unless it is satisfied that:

(a) The application is complete in all respects.

(b) The applicant is financially responsible and financially qualified to operate the proposed business for at least one year.

(c) The applicant, and any principal controlling owners, directors or officers disclosed pursuant to paragraphs VI and VII of this section, are at least 18 years of age and of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

(d) The applicant has accurately disclosed its interests in other business activities, and there is no substantial likelihood that these interests would interfere with the operation of the proposed business in a lawful manner and in accordance with the purposes of this chapter. An application shall be denied if the proposed licensee, or a person with a substantial ownership interest in the applicant, has other business inter-

ests licensed under this chapter which would create unreasonable opportunities for unfair competition or other unlawful activities, or which would unduly hinder the commission in exercising its regulatory and financial responsibilities.

(e) In the case of corporate or partnership applicants controlled by persons who do not reside in the United States, the proposed business would not be managed in a manner which would unduly hinder the commission from exercising its regulatory and financial responsibilities. Inaccessibility of relevant records or unresponsiveness to nondiscriminatory commission inquiries which result from foreign control shall be grounds for revoking or suspending a license which has already been granted.

(f) The person or persons actually managing the proposed business on a day-to-day basis are of good character and are professionally qualified to perform such work in a manner which complies with the laws of this state and the rules of the commission.

(g) The proposed location of the business is an appropriate one, considering the nature of the business, the nature of the surrounding neighborhood, and the number of similar businesses in that neighborhood.

IX. All license applications shall be updated and amended within 30 days following any change in the information stated in the application. This obligation shall continue after the application has been granted. Failure to notify the commission of such changes shall be grounds for denying a pending application or for revoking or suspending a license which has already been granted.

X. A transfer of the right to control a corporate or partnership applicant or existing licensee requires prior commission approval. Minor ownership changes, and changes in corporate, partnership or trade names which do not involve ownership change, shall require prior approval, but such approval shall be automatic upon the filing of an appropriate application.

6 License Applications and Qualifications. RSA 178:24 is repealed and reenacted to read as follows:

178:24 License Applications and Qualifications.

I. Persons seeking a license under this chapter shall file an application with the commission which is in such form and contains such information as the commission may establish by rule, consistent with the purposes of this chapter. The commission shall establish application fees which are sufficient to recover the fully distributed costs of processing and investigating each type of license application required. An application which is submitted to the commission without an application fee, which is not submitted on the prescribed form, or which is otherwise incomplete in some obvious and material respect shall be summarily rejected and not accepted for filing.

II. Only individuals lawfully residing in the United States or partnerships or corporations organized under the laws of one of the United States and currently registered to do business in New Hampshire shall be licensed under this chapter.

III. All license applications shall be made in the name of the proposed licensee and shall be signed and sworn to by the proposed licensee. In the case of a partnership or corporate applicant, the application shall be signed and sworn to by an authorized partner or officer of the proposed licensee.

IV. An applicant intending to employ a trade name in the proposed business shall submit evidence with its application which demonstrates that the trade name is currently registered in New Hampshire.

V. A separate license application shall be filed with respect to each place of business sought by a single licensee.

VI. The commission shall receive and evaluate sufficient information to identify and to evaluate the qualifications of all persons with the de jure or de facto right to control the operations and policies of the proposed licensee. Among other things, license applications shall disclose fully and accurately:

(a) The applicant's identity, the applicant's permanent residence address in the case of an individual, and the applicant's principal place of business.

(b) The names and addresses of any persons who own or have the right to control an interest in the proposed licensee.

(c) Any agency agreement or other contract between the applicant and third persons intended to affect the operation of the proposed business, and the identity of the third party involved.

(d) The applicant's other business interests.

(e) The name, location, physical layout and nature of the proposed business.

(f) Any substantial business interests involving the manufacture, sale or distribution of liquor or beverages held by any shareholder, director, officer, or partner identified pursuant to this paragraph or paragraph VII of this section.

(g) All licenses issued to and all other license applications filed by the applicant and its principal owners pursuant to this title during the previous 5 years.

(h) The name and address of the actual manager of the proposed business and his qualifications to perform such work.

VII. Corporate applicants shall disclose the names and permanent addresses of all directors, officers and shareholders, except that corporations with more than 20 shareholders may disclose only those persons owning or controlling 5 percent or more of the outstanding shares. Partnership applicants shall disclose the names and addresses of all partners, except that partnerships with more than 20 partners may disclose only those persons who are managing partners and those persons who own or control a partnership share of 5 percent or more. If the principal controlling shareholders or partners are themselves owned or controlled by other persons, then the information required by this paragraph shall also be furnished for each such person until the person or persons with the ultimate legal right to control the applicant's proposed business have been fully identified.

VIII. The commission shall not issue a license under this chapter unless it is satisfied that:

(a) The application is complete in all respects.

(b) The applicant is financially responsible and financially qualified to operate the proposed business for at least one year.

(c) The applicant, and any principal controlling owners, directors or officers disclosed pursuant to paragraphs VI and VII of this section, are at least 18 years of age and of sufficiently good character to leave no substantial doubt that the proposed business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

(d) The applicant has accurately disclosed its interests in other business activities, and there is no substantial likelihood that these interests would interfere with the operation of the proposed business in a lawful manner and in accordance with the purposes of this chapter. An application shall be denied if the proposed licensee, or a person with a substantial ownership interest in the applicant, has other business interests licensed under this chapter which would create unreasonable opportunities for unfair competition or other unlawful activities, or which would unduly hinder the commission in exercising its regulatory and financial responsibilities.

(e) In the case of corporate or partnership applicants controlled by persons who do not reside in the United States, the proposed business would not be managed in a manner which would unduly hinder the commission from exercising its regulatory and financial responsibilities. Inaccessibility of relevant records or unresponsiveness to nondiscriminatory commission inquiries which result from foreign control shall be grounds for revoking or suspending a license which has already been granted.

(f) The person or persons actually managing the proposed business on a day-to-day basis are of good character and are professionally qualified to perform such work in a manner which complies with the laws of this state and the rules of the commission.

(g) The proposed location of the business is an appropriate one, considering the nature of the business, the nature of the surrounding neighborhood, and the number of similar businesses in that neighborhood.

IX. All license applications shall be updated and amended within 30 days following any change in the information stated in the application. This obligation shall continue after the application has been granted. Failure to notify the commission of such changes shall be grounds for denying a pending application or for revoking or suspending a license which has already been granted.

X. A transfer of the right to control a corporate or partnership applicant or existing licensee requires prior commission approval. Minor ownership changes, and changes in corporate, partnership or trade names which do not involve ownership change, shall require prior approval, but such approval shall be automatic upon the filing of an appropriate application.

7 Restrictions on Hours of Sale. Amend RSA 179:17, II(c) to read as follows:

(c) Wine manufacturer licensees may sell from 6:00 a.m. to midnight Monday-Saturday and [shall not sell] **9:00 a.m. to 11:45 p.m.** on Sunday.

8 Contingency Provision. If HB 1410-FN of the 1990 legislative session becomes law, then sections 2, 6, and 7 of this act shall take effect July, 1, 1990, at 12:01 a.m. If HB 1410-FN does not become law, sections 2, 6, and 7 of this act shall not take effect.

9 Repeal. RSA 94:1-a, III-a, relative to the salary of the chairman of the liquor commission being based on the salary of the executive director, is repealed.

10 Effective Date.

I. Sections 2, 6, and 7 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill repeals a paragraph linking the salary of the chairman of the liquor commission to the salary of the executive director of the liquor commission, as the position of executive director no longer exists.

The bill also requires that recommendations for delistings as well as listings be made by the director of marketing and merchandising to the liquor commission.

The bill sets out application procedures and qualifications which must be met to obtain certain liquor and beverage licenses.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the consideration of House Bill 1506, relative to state employee layoffs, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

HB 1506-FN, relative to state employee layoffs. OUGHT TO PASS WITH AMENDMENT.

This bill, as amended, assures that laid-off state employees are the first ones considered as state jobs become available. The bill also gives laid-off employees health insurance, fully paid for 3 months and shared 50-50 for the next 3 months. The third part allows a laid-off employee who chooses not to use bumping rights to collect unemployment compensation. Best-guess estimated cost of bill: \$225,000. Vote 12-4. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Rehiring of Laid Off State Employees.

I. For purposes of this act, "laid off" means any person laid off between January 1, 1990 and December 1, 1990, as a result of 1990, 1:16 or any other state law.

II. It is the intent of the legislature that any position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire and if he meets the minimum qualifications for the position. Such position may also be filled by any person who as a result of bumping was laid off as a result of the layoff process pursuant to 1990, 1:16, or any other state law, if such person is not currently employed by the state of New Hampshire and if he meets the minimum qualifications for the position.

III. Before filling any position, regardless of the funding source, the head of a department or establishment shall recall the employees laid off from his department by classification and seniority. Once the names in the department and classification have been exhausted, the head shall request the director of the division of personnel to identify in order of seniority the state employees laid off or bumped pursuant to 1990, 1:16 or any other state law who meet the minimum qualifications for the vacant position. If more than one laid off or bumped employee is qualified for the position, the position shall be filled in order of seniority.

IV. Within 10 days of the effective date of this act, the head of each department or agency shall submit to the director of the division of personnel a list by name and classification of individuals laid off from January 1, 1990, to April 30, 1990. Any additional layoffs or reductions shall be reported to the director of the division of personnel as they occur.

2 Medical and Health Care Coverage Continued. Any full-time state employee who was laid off pursuant to 1990, 1:16 or any other state law who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed 6 months after the date of

termination of state employment. For the first 3 months of this 6 month period, the state shall pay the full costs of continuing medical and health care coverage. For the latter 3 months of the 6-month period, the state shall pay 1/2 the cost and the laid off state employee shall pay 1/2 the cost of continuing medical and health care coverage. This 6-month period shall be included in the calculation of the entitlements required under the consolidated Omnibus Budget Reconciliation Act of 1986 and any amendments thereto.

3 Layoffs; Qualifications for Unemployment Compensation. Notwithstanding any law or rule to the contrary, no state employee who was laid off between January 1, 1990 and December 31, 1990, pursuant to 1990, 1:16 or any other state law who is otherwise qualified for benefits under RSA 282-A shall be disqualified for such benefits because he chooses not to exercise his bumping rights under RSA 21-I.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that state employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law be rehired, if positions for which the person meets the minimum requirements become available in any department or establishment, as long as such person is not currently employed by the state of New Hampshire. The same preference is to be given to any person bumped as a result of the layoffs. If more than one employee meets the qualifications for the position, the position is to be filled in order of seniority.

The bill also continues state-paid medical or health care coverage for state employees who were laid off or bumped as a result of the layoff process in 1990, 1:16 for 3 months in certain circumstances at 100 percent and for the next 3 months at 50 percent.

The bill also requires that unemployment benefits be paid to otherwise qualified employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law who choose not to exercise their bumping rights.

Rep. Hager yielded to questions.

Amendment adopted.

Rep. Burton offered an amendment.

Amendment

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. It is the intent of the legislature that any position which becomes available in a department or establishment, as defined in RSA 9:1, shall be filled, if possible, by a state employee laid off, as defined in paragraph I, if such person is not currently employed by the state of New Hampshire and if he meets the minimum qualifications for the position. Such position shall also be filled by any person who as a result of bumping was laid off as a result of the layoff process pursuant to 1990, 1:16, or any other state law, if such person is not currently employed by the state of New Hampshire and if he meets the minimum qualifications for the position.

Amend the bill by replacing section 2 with the following:

2 Medical and Health Care Coverage Continued. Any full-time state employee who was laid off pursuant to 1990, 1:16 or any other state law who before the layoff was receiving state-paid medical benefits under the provisions of RSA 21-I:26-36, who is not eligible to retire and receive post-retirement medical benefits under the provisions of RSA 21-I:26-36 or RSA 100-A:52-55, and who is not eligible for employer-paid

medical or health care coverage under the plan of any other employer, or as the spouse of a person covered under the plan of any other employer, or under the state plan as the spouse of a state employee, shall continue to receive such state-paid benefits, as if continuing in active employment, for a period not to exceed one year after the date of termination of state employment.

AMENDED ANALYSIS

This bill requires that state employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law be rehired, if positions for which the person meets the minimum requirements become available in any department or establishment, as long as such person is not currently employed by the state of New Hampshire. The same preference is to be given to any person bumped as a result of the layoffs. If more than one employee meets the qualifications for the position, the position is to be filled in order of seniority.

The bill also continues state-paid medical or health care coverage for state employees who were laid off or bumped as a result of the layoff process in 1990, 1:16 or any other state law for one year in certain circumstances.

The bill also requires that unemployment benefits be paid to otherwise qualified employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law who choose not to exercise their bumping rights.

(Deputy Speaker Burns in the Chair)

Reps. Burton and Shaw spoke in favor of the amendment.

Rep. Hager spoke against the amendment.

Reps. LaMott and Chambers spoke in favor of the amendment and yielded to questions.

Reps. Douglas Hall, Stacey Cole and Ward spoke against the amendment and yielded to questions.

Rep. Fillion requested a quorum count.

The Speaker declared a quorum present.

Rep. Fillion spoke in favor of the amendment and yielded to questions.

(Speaker in the Chair)

A roll call was called for. Sufficiently seconded.

YEAS 87

NAYS 242

YEAS 87 BELKNAP

Campbell, Richard H., Jr. Maviglio, Steven R.

Salatiello, Thomas

CARROLL

MacDonald, Kenneth J. Powers, Gerard E., Jr.

CHESHIRE

Barber, Robert E., Jr.
Eaton, Daniel Adams
Spear, Susan

Blacketor, Paul G.
Foster, Katherine Davis

Cole, Kenneth A.
Matson, William R.

COOS

Lemire, George
Woodburn, Jeffrey R.

Oleson, Otto H.

Therault, Romeo J.

GRAFTON

Arnesen, Deborah L.
LaMott, Paul I.

Chambers, Mary P.
Nordgren, Sharon

Guest, Robert H.

HILLSBOROUGH

Baldizar, Barbara J.
Cote, David E.
Dyer, Merton S.
Gagnon, Gabrielle V.
Green, Scott E.
Healy, Daniel J.
Leclerc, Charles J.
O'Rourke, JoAnne A.

Bourque, Ann J.
Drabinowicz, A. Theresa
Elliott, Larry G.
Gerow, Sezen M.
Gureckis, Adam C., Sr.
Jenkins, Mary
Moore, Elizabeth A.
Reidy, Frank J.

Burkush, Peter
Dwyer, Patricia R.
Frank, Nancy G.
Goulet, Maurice E.
Haettenschwiller, A. A.
King, John A.
Murphy, Robert E.
Turgeon, Roland M.

MERRIMACK

Barberia, Richard A.
Braiterman, Thea
Fillion, Paul R.
Provencal, Leo A.
Soldati, Jennifer
West, George M.

Bardsley, Elizabeth S.
Daneault, Gabriel
Hill, Michael
Shaw, Randall F.
Trombly, Rick A.

Bennett, J. Allen
Dunn, Miriam
Jacobson, Alf E.
Smith, Gerald R.
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Gage, Beverly A.
MacDonald, Joseph A.
McGovern, Cynthia A.
Weddle, Michael Rodney

Blanchard, MaryAnn N.
Hollingworth, Beverly A.
MacDonald, Maurice B.
Popov, Elizabeth M.

Caswell, Albert, Jr.
Kane, Cecelia D.
Mace, Ada L.
Rosencrantz, James R.

STRAFFORD

Burton, Wayne M.
Merrill, Amanda
Scharff, Thomas Edward
Wall, Janet G.

Gilmore, Gary
O'Brien, John
Spencer, Leo J.
Wheeler, Katherine Wells

McCann, William H., Jr.
Pelley, Janet R.
Sullivan, Henry P.

SULLIVAN

Burling, Peter Hoe

Flint, Gordon B.

NAYS 242**BELKNAP**

Bolduc, Dennis R.
Hawkins, Robert S.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Pearson, Ralph W.
Turner, Robert H.

Hardy, Earle D.
Rice, Thomas, Jr.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.

Daly, Robert J., Jr.
Foster, Robert W.

CHESHIRE

Cole, Stacey W.
Grodin, Richard A.

Delano, Robert F.
Hill, Douglas E.

Gordon, Irvin H.
Hunt, John B.

LaMar, David M.
Morse, Jo-Ann T.
Sawyer, Alfred P.

Laurent, John J.
Pearson, Gertrude B.

Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Mayhew, Josephine

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Markley, J. Keith
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Rose, William B.
Stewart, Roger
Ward, Kathleen W.
White, Paul R.

Bennett, Shirley M.
Dow, David
Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bicknell, Robert C.
Bowers, Dorothy C.
Culbert, Patrick
Desrosiers, William J.
Domaigne, Jacquelyn
Dube, Ellen C.
Fields, Dennis H.
Grip, Robert H.
Harlan, Susan N.
Hunter, Bruce F.
Keefe, Edmund M.
Kurk, Neal M.
Lawrence, Norman B.
McCann, Bonnie Lou
McRae, Karen
Ouellette, Robert O.
Paquette, Rodolphe G.
Record, Alice Barnard
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara Allen
Whiby, Linda S.

Alukonis, David J.
Barry, Janet Gail
Biondi, Christine A.
Brady, Carolyn L.
Daigle, Robert Arthur
Dionne, Paul R.
Donovan, Francis X.
Dykstra, Leona
Flood, Jacqueline J.
Hall, Betty B.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.
Lachut, Ervin R.
Lefebvre, Roland J.
McDowell, James E.
Messier, Irene M.
Packard, Bonnie B.
Pepino, Leo P.
Rheault, Lillian I.
Rodgers, G. Philip
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Wright, George W.

Amidon, Eleanor H.
Barry, Vivian
Boucher, Lionel R.
Cox, Gladys M.
Desrochers, Gerard T.
Dodge, Emma M.
Drolet, Paul L.
Emerton, Lawrence
Foote, Herbert N., Sr.
Hanselman, Gregory L.
Hultgren, David D.
Jean, Romeo W.
Knight, Alice Tirrell
Lawrence, Eva M.
Lown, Elizabeth
McNerney, Daniel P.
Morrissette, Roland
Pappas, Toni
Perham, Lester R.
Riley, Frances L.
Sallada, Roland A.
Steiner, Lee Anne
Tyree, Paul M.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Carter, Susan D.
Gilbreth, Robert M.
Hall, Douglas E.

Beaton, Nancy
Fair, Patricia A.
Gross, Caroline L.
Holmes, Mary C.

Boucher, Laurent J.
Fraser, Leo W., Jr.
Hager, Elizabeth
Johnson, C. William

Kidder, William F.
Nichols, Avis B.
Phelps, James D.
Tolpin, Richard W.

Lewis, Mary Ann
Pantzer, Eugene
Stio, Peter M.
Whittemore, James A.

Millard, Elizabeth S.
Pfaff, Terence R.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Cote, Patricia L.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
King, Roger C.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
McKinney, Betsy
Parsons, Robert F.
Ritzo, Eugene
Senter, Marilyn P.
Simon, Peter M.
Splaine, John E., Sr.
Vartanian, Elsie
Welch, David A.
Wright, David B.

Benton, Richardson D.
Brown, Lewis W.
Conroy, Janet M.
Drake, Herbert R.
Fesh, Robert M.
Ford, Bert H.
Greene, Elizabeth A.
Johnson, Robert A.
Klemarczyk, Thaddeus E.
MacKinnon, Nancy W.
McCain, William F.
Micklon, Stephanie K.
Raynowska, Bernard J.
Roulston, Donald L.
Seward, Russell G.
Skinner, Patricia M.
Sytek, Donna
Vaughn, Charles L.
Wells, Henry E.

Boucher, William Paul
Campbell, Eunice M.
Cooke, Annette M.
Dube, LeRoy S.
Flanders, Harry E.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McCarthy, John James, Jr.
Palazzo, Frank J., Sr.
Remick, Barbara R.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Tufts, J. Arthur
Warburton, Calvin
Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Edward J.
Marston, Robert E.
Stewart, Glenn W.
Tsiros, William

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Martling, W. Kent
Swope, Warren L.
Vincent, Francis C.

Bickford, Drucilla
Flynn, Anita A.
Frechette, Roland A.
Parks, Joe B.
Torr, Ann M.
Young, John B.

SULLIVAN

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.
and the amendment lost.

Hinrichsen, Keith
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik
Stamatakis, Carol M.,

Reps. Lockwood and Randall abstained from voting under Rule 16.

Rep. Daniel Toomey wished to be recorded in favor of the amendment.

Rep. Hawkins offered an amendment.

Amendment

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

AMENDED ANALYSIS

This bill requires that state employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law be rehired, if positions for which the person meets the minimum requirements become available in any department or establishment, as long as such person is not currently employed by the

state of New Hampshire. The same preference is to be given to any person bumped as a result of the layoffs. If more than one employee meets the qualifications for the position, the position is to be filled in order of seniority.

The bill also continues state-paid medical or health care coverage for state employees who were laid off or bumped as a result of the layoff process in 1990, 1:16 for 3 months in certain circumstances at 100 percent and for the next 3 months at 50 percent.

Rep. Hawkins spoke in favor of the amendment and yielded to questions.

Rep. Burton and Powers spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 17 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations.

SB 378-FN, making technical amendments to the liquor laws.

HB 1506-FN, relative to state employee layoffs.

HR 62, relative to biennial budget reductions.

UNANIMOUS CONSENT

Rep. Burling addressed the House.

Rep. Katherine Wheeler moved that Rep. Burling's remarks be printed in the Journal.

Adopted.

Thank you, Mr. Speaker. My colleagues, yesterday, those of us who are of the Democratic persuasion were delighted to hear Republican Representative Karen Wadsworth addressing the rest of you Republicans. While it took us a minute or two to figure out what it was she was trying to say, we finally caught on. I would like your patience for just a second to address one of the Democrats in the House and say just a word to him.

I'm speaking to Master Gregory Gilmore who has been my aisle-mate over there for some time. I would like to say the following things:

"Gregory, you have brightened our days in Section One. You have lightened our hearts. You have focused our attention on the business we ought to be about. You have not fallen into the trap of making too many speeches. You have slept more quietly than most of the members in Section One when they have dozed off.

Since it is the season of both Passover and Easter, I would like to say to you, Shalom and God's blessing in all you do in life. I hope when you come back to this House, you do as well as you've done this year. Thank you, Mr. Speaker.

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1231-FN, relative to the 10-year state highway plan and the governor's advisory commission on highways. (Amendment printed SJ 19, 4/12/90)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Phelps, Scamman, Gross and Frechette.

HB 430-FN, relative to certification for real estate appraisers. (Amendment printed SJ 19, 4/12/90)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Maurice McDonald, Goulet, Dunn and Douglas Hill.

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control. (Amendment printed SJ 19, 4/12/90)

Rep. Gross moved that the House nonconcur and a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lewis, Marston, Bardsley and Blanchard.

HB 1083, establishing speed limits for the operation of OHRVs. (Amendment printed SJ 19, 4/12/90)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Nelson, John Flanders, Stewart and Emma Dodge.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor. (Amendment printed SJ 19, 4/12/90)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Maurice MacDonald, Randall, Dunn and Douglas Hall.

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor. (Amendment printed SJ 19, 4/12/90)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Shaw, Skinner, Robinson and Burton.

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations. (Amendment printed SJ 19, 4/12/90)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Phelps, Driscoll, Frechette and Ralph Pearson.

HB 1389-FN-A, relative to the taxation of banks. (Amendment printed SJ 19, 4/12/90)

Rep. Sytek moved that the House concur and spoke to her motion.

Adopted.

HB 1409-FN, relative to workers' compensation and making an appropriation therefor. (Amendment printed SJ 19, 4/12/90)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, J. Allen Bennett, Townsend and David Cote.

NONCONCURRENCE WITH AMENDMENTS REQUESTS COMMITTEES OF CONFERENCE

SB 325, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

The President appointed Sens. Podles, Preston and Roberge.

Rep. Fraser moved that the House accede.

Adopted.

The Speaker appointed Reps. Fraser, Christy, Provencal and Packard.

SB 340-FN, establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.

The President appointed Sens. Dupont, Blaisdell and Torr.

Rep. Sochalski moved that the House accede.

Adopted.

The Speaker appointed Reps. Pappas, Robert Foster, Copenhaver and Hager.

SB 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits.

The President appointed Sens. Blaisdell, Dupont and Torr.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Burton, Beverly Gage and Stacey Cole.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system.

The President appointed Sens. Freese, Blaisdell and Magee.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, Dyer and Ward.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

The President appointed Sens. Dupont, Blaisdell and Delahunty.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Beverly Gage, Dunn and Channing Brown.

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share.

The President appointed Sens. Torr, Blaisdell and Delahunty.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, John King and Robinson.

SB 333-FN-A, making a supplemental appropriation to aid the sensory impaired.

The President appointed Sens. Blaisdell, Dupont and Nelson.

Rep. Sochalski moved that the House accede.

Adopted.

The Speaker appointed Reps. Hager, Senter, Knight and Pignatelli.

SB 398, relative to the east-west highway study.

The President appointed Sens. Bond, Preston and Charbonneau.

Rep. Phelps moved that the House accede.

Adopted.

The Speaker appointed Reps. Phelps, McNeerney, Ann Torr and Callaghan.

SB 390, relative to laws regarding abuse and neglect of children.

The President appointed Sens. Podles, Nelson and Bass.

Rep. Bean moved that the House accede.

Adopted.

The Speaker appointed Reps. Bean, Brady, Lionel Johnson and Bowers.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor.

The President appointed Sens. St. Jean, Bartlett and Podles.

Rep. Sochalski moved that the House accede.

Adopted.

The Speaker appointed Reps. Sochalski, Chase, Tarpley and Weymouth.

NONCONCURRENCE

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor.

CONCURRENCE

SB 313-A, relative the Nashua Courthouse and making an appropriation therefor.

SB 373-FN-A, relative to compulsory school attendance and to home education.

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

SB 351-FN, relative to the Pease Air Force Base development authority and making an appropriation therefor.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1229-FN, relative to organizational and personnel changes within the department of corrections. (Amendment printed SJ 19, 4/12/90)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Sytek, Burton and Robert Johnson.

HB 1405-FN-A, relative to sludge and septage management programs. (Amendment printed SJ 19, 4/12/90)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bardsley, Schotanus, Dickinson and Vaughn.

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges. (Amendment printed SJ 19, 4/12/90)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Powers, Gross and John King.

HB 1439-FN-A, relative to the reimbursement to the state for certain services rendered at race tracks. (Amendment printed SJ 19, 4/12/90)

Rep. Simon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Simon, Fesh, Norton and Hynes.

SUSPENSION OF RULES

Rep. Weddle moved that the Joint Rules be so far suspended as to permit the introduction of a bill making an appropriation to the University System of New Hampshire for the purpose of reimbursing students who have paid retroactive tuition increases in 1990, and said suspension being approved by the House, to seek the concurrence of the Senate in said suspension.

Rep. Weddle requested a quorum count.

The Speaker declared a quorum present.

Rep. Weddle spoke in favor of his motion.

Rep. Jacobson spoke in favor of the motion.

Rep. Burns spoke against the motion.

Motion lost.

Reps. Jacobson, O'Brien and Burling wished to be recorded in favor of the motion.

Rep. Burns moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 5:10 p.m.

RECESS

(Rep. Ann Torr in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

HB 409-FN, relative to licensing professional foresters.

The President appointed Sens. Bond, Bass and Preston.

HB 685-FN, relative to tenant evictions.

The President appointed Sens. Johnson, Magee and Krasker.

HB 705-FN, relative to drug-free school zones and making appropriations therefor.

The President appointed Sens. Blaisdell, Hough and Dupont.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton.

The President appointed Sens. Heath, Preston and King.

HB 1026, relative to the definition of public access to public waters.

The President appointed Sens. Bond, Preston and McLane.

HB 1027-FN, establishing a black bear management program and requiring a special bear license.

The President appointed Sens. Bond, Currier and St. Jean.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

The President appointed Sens. St. Jean, Dupont and Podles.

HB 1046, relative to the declaration of purpose for the planning and zoning laws.

The President appointed Sens. Charbonneau, Bond and King.

HB 1062, relative to record books kept by registers of deeds.

The President appointed Sens. Freese, Disnard and Delahunty.

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett.

The President appointed Sens. Johnson, King and McLane.

HB 1103-FN, relative to the regional fuel tax agreement.

The President appointed Sens. Heath, Preston and Currier.

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

The President appointed Sens. Podles, Bass and Nelson.

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels.

The President appointed Sens. Blaisdell, Podles and Dupont.

HB 1120, relative to notice of insurance cancellation.

The President appointed Sens. Freese, Charbonneau and Magee.

HB 1162-A, relative to the railroad banking program.

The President appointed Sens. Heath, Preston and King.

HB 1174-FN, relative to laws regarding children and minors.

The President appointed Sens. McLane, Krasker and Bond.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza.

The President appointed Sens. Torr, Nelson and Roberge.

HB 1250-FN, relative to employees of the dog and horse racing industry.

The President appointed Sens. Magee, Blaisdell and Disnard.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services.

The President appointed Sens. Freese, Delahunty and Disnard.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

The President appointed Sens. Podles, Nelson and Bass.

HB 1289-FN, relative to DWI offenses.

The President appointed Sens. Podles, Preston and Bass.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

The President appointed Sens. Delahunty, Freese and Blaisdell.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities.

The President appointed Sens. Delahunty, Freese and Blaisdell.

HB 1347-FN-A, relative to quality assurance records of community mental health programs.

The President appointed Sens. Krasker, McLane and Charbonneau.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate.

The President appointed Sens. Charbonneau, Johnson and King.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

The President appointed Sens. Torr, Roberge and Preston.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance.

The President appointed Sens. Blaisdell, Dupont and Bartlett.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board.

The President appointed Sens. Freese, Stephen and Currier.

HB 1432-FN, relative to the New Hampshire rivers management and protection program.

The President appointed Sens. Bond, McLane and Krasker.

HB 1438, relative to the goals and objectives for reduction of solid waste.

The President appointed Sens. Bond, Bass and Krasker.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1367-A, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham County superior court building. (Amendment printed SJ 19, 4/12/90)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Phelps, Marsh, Gross and Matson.

HB 1225-FN-A, to define "retired state employee" for state employee group insurance purposes. (Amendment printed SJ 19, 4/12/90)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Powers, Kenneth MacDonald, John King and Ward.

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Amendment printed SJ 19, 4/12/90)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, Roger King, Wadsworth and Scharff.

HB 1304-FN, establishing a committee to study mobile health care units. (Amendment printed SJ 19, 4/12/90)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Shirley Bennett, Copenhagen, Thomas Gage and Hager.

NONCONCURRENCE WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 371, authorizing additional disciplinary actions for barbering, cosmetology and esthetics practice violation.

The President appointed Sens. Freese, Disnard and Bass.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Maurice MacDonald, Goulet, Kane and Hager.

SB 378-FN, making technical amendments to the liquor laws.

The President appointed Sens. Freese, Disnard and Bartlett.

Rep. Gross moved that the House accede.

Adopted.

The Speaker appointed Reps. McKinney, Simon, Andrews and Lemire.

(Rep. Ann Torr in the Chair) ENROLLED BILLS REPORT

HB 390-FN-A, relative to the New Hampshire retirement system investment practices.

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements.

HB 1376-FN-A, relative to a public water rights report and legislative study committee.

SB 354, relative to temporary emergency motor vehicle registration and the place of business of wholesale motor vehicle dealers.

SB 370, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant.

SB 403, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

ENROLLED BILLS AMENDMENTS

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.

Amendment

Amend the bill by replacing section 3 with the following:

3 Contingency. If HB 1200, An Act to change the name of the governor's commission for the handicapped, becomes law, the term "handicapped" in RSA 204-C:11-a, II as inserted by section 1 of this act shall be changed to "disabled".

4 Effective Date. This act shall take effect 60 days after its passage.

HB 519-FN, relative to minimum standards for modular buildings.

Amendment

Amend RSA 205-C:1, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. "BOCA Basic Building Code" means the most recent edition of the

Amend RSA 205-C:7, IV as inserted by section 2 of the bill by replacing line 2 with the following:

chapter shall be the same as for violations of RSA title LXIV, as stated in

(Rep. Grodin in the Chair)

ENROLLED BILLS REPORT

HB 1389, relative to the taxation of banks and relative to the communications services tax and making an appropriation therefor.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

CONFEREE CHANGE

SB 57 Rep. Trombly replaced Rep. Popov.

Recess

Rep. Skinner moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 21

Tuesday, April 17, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by the Reverend Leslie Leavitt, of the Atkinson Congregational Church, guest of Rep. Flanagan.

Almighty God, we give You thanks for this day which You have made. We are grateful for the opportunity to serve You in this way. We praise You God for the unlimited blessings which You have so richly and freely granted us. We pray especially for the freedom we enjoy in this great country of ours and for the privilege of living in this beautiful State of New Hampshire.

Lord God, I thank You for each one of these Representatives who have come to this place today to make some hard decisions that will be in the best interest of those they serve throughout the State. Help us to be ever mindful of the freedoms we possess and keep us from misuse of these freedoms without restraint; help us as leaders to seek the good of all the people and not just a small interest group, or groups. Sustain us, we pray, with Your guiding love and grace as each one must search his heart for the decision that will serve all of us best.

I ask dear God for a special blessing upon our Governor and upon each Representative and for all of those who work so hard to maintain our State of New Hampshire. May Your guiding hand be upon all gathered. We ask this in the name of the God of our mothers and fathers who has brought us this far and who will continue to guide us onward. Amen.

Rep. John Flanders led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Holbrook, Nardi, Remick, Rodgers and Sanderson, the day, illness.

Reps. Alukonis, Apple, Hayes, Parr and Prestipino, the day, important business.

INTRODUCTION OF GUESTS

Bradley Merrill, grandson and guest of Rep. Gerald Merrill; the Fourth grade, Thornton Ferry School and teachers Shea and Downing, guests of the Merrimack Delegation; Elisabeth Needlek, guest of Rep. Cowenhoven; Barbara and Betsy Cholakos, guests of Rep. Ziegler; Nathalie Sullivan, wife of Rep. Sullivan; Robert Chabot, guest of Reps. Kress and Rheault; Jocelyn and Christopher Messier and Helen Nasika, guests of Rep. Messier; Ted Gallagher, guest of Rep. Sallada; Lisa Nahil, niece of Rep. Jenkins; Donna and Jarrad Cloutier, guests of Rep. David Wheeler; Helen Gordon, guest of Rep. Gordon and Edwina Stewart, guest of Rep. Roger Stewart; Ted, Sue and Sarah Peyron, guests of Rep. Peyron.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 64

memorializing former Representative Ronald R. Laurion of Rochester

WHEREAS, we have learned with great sorrow of the death of Ronald R. Laurion who between 1985 and 1988 served two terms as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, throughout his distinguished service as an elected Representative of the people, Ronald R. Laurion did faithfully serve his constituents as a diligent and

dedicated member of the Standing Committees on Regulated Revenues, and State Institutions and Housing, and

WHEREAS, having been blessed with the credentials of leadership, Ronald R. Laurion, among other civic responsibilities, served as an esteemed member of the City Council, and

WHEREAS, having been a lifelong resident of Rochester, Ronald R. Laurion was a man of abundant community spirit and energy, respected as a local businessman and as a member of the Rochester Jaycees, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Ronald R. Laurion be granted highest praise and recognition for his dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted.

CONFEREE CHANGES

SB 343 Rep. Kenneth MacDonald replaces Rep. Maurice MacDonald

SB 377 Rep. Kenneth MacDonald replaces Rep. Maurice MacDonald

SB 406 Rep. Richard Campbell replaces Rep. Beverly Gage

HB 1229 Rep. Beverly Gage replaces Rep. Thomas Gage
Rep. Ward replaces Rep. Robert Johnson

HB 1248 Rep. Daneault replaces Rep. Scharff

HB 1304 Rep. Shirley Bennett replaces Rep. Sochalski

SENATE MESSAGES

CONCURRENCE WITH AMENDMENTS

SB 401-FN, relative to fines imposed for DWI.

SB 353-FN, requiring state agencies to purchase recycled paper products.

SB 309-FN-A, establishing a New Hampshire Heritage Trail.

SB 313-A, relative to the Nashua Courthouse and making an appropriation therefor.

SB 373-FN-A, relative to compulsory school attendance and to home education.

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

SB 351-FN, relative to the Pease Air Force Base development authority and making an appropriation therefor.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1194-FN, relative to liability of expenses for minors and children. (Amendment printed SJ 9, 2/15/90)

Rep. Bean moved that the House concur.

Adopted.

HB 1406-FN, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste. (Amendment printed SJ 14, 3/22/90)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 1178-FN-A, relative to marital masters and making an appropriation therefor. (Amendment printed SJ 9, 2/15/90)

Rep. Thomas Gage moved that the House concur.
Adopted.

HB 1102-FN, relative to Route 16 in Conway. (Amendment printed SJ 9, 2/15/90)
Rep. Phelps moved that the House concur.
Adopted.

ENROLLED BILLS REPORT

HB 519, relative to minimum standards for modular buildings.

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.

SB 402, relative to certain positions in the insurance department and making appropriations therefor.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

GOVERNOR'S VETO MESSAGE ON HB 1424

I have this day vetoed House Bill 1424-FN, an act regulating abortions.

With this bill, New Hampshire would become the most liberal State in the nation in allowing the taking of life through the use of abortions.

Government has no more fundamental purpose than the protection of life.

In fact, it can be effectively argued that man came together out of anarchy into formal societies and evolved governments primarily to protect life.

Certainly this core element of the purpose of organized society was reflected in our founding fathers' thoughts when in the preamble to our governing documents, the Declaration of Independence, it was declared, "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are LIFE, Liberty and the pursuit of Happiness*" (emphasis added).

Clearly, it is an obligation of the leadership of government to protect life.

Today, science has generally concluded that the "development of a human being begins with fertilization" (*Medical Embryology* 4th Ed, Jan Langman, MD, PhD, P. 1). A conclusion with which I agree — life does begin at conception. Believing this, I obviously will not support legislation which represents a dramatic expansion of the availability of abortion as a means of terminating life in New Hampshire.

This bill authorizes abortion for convenience, sex selection, as a form of birth control and with or without parental notification or consent in the case of a minor.

This bill allows abortion throughout the term of pregnancy, including, arguably as late as the ninth month, if the "health" of the mother is an issue, a term so vague as to be worthless as a limiting function.

It is a bill that sanctions abortion on the test of viability as determined by a doctor. By using the term viability, abortions could be undertaken as late as the seventh month depending on the doctor's view, a significant expansion from the present law.

In fact, the bill's language is of such vagueness as to make it totally unclear when a child's life is protected. Is it the 150th day, 176th day, 190th day? Is the child allowed to live on Monday the 160th day but subject to having his or her life be unilaterally taken on Sunday the 159th day?

I recognize the extreme divisions of and lack of political gain on this issue. To work effectively our political systems require issues on which consensus or compromise can be reached. Yet not since the issue of abolition has a concern been raised that

allows so few areas where divergent views may merge. However, I have suggested on several occasions language to improve New Hampshire's laws on abortion. Regrettably, these have not been pursued by the legislature.

Therefore, the question comes back to society's obligation to protect life. There simply can be no higher obligation. And, since abortion is the terminating of life, we must limit its use. This bill is inconsistent with this obligation and, therefore, I have no alternative but to veto House Bill 1424-FN.

Judd Gregg, Governor

The question being, notwithstanding the Governor's veto, shall HB 1424 pass?

Reps. Palazzo, Guay, Reidy, Lefebvre and Carter spoke against.

Reps. Burling, Micklon, McCain, Jacobson and Hager spoke in favor.

A roll call was called for. Sufficiently seconded.

(Speaker in the Chair)

YEAS 215

NAYS 157

YEAS 215

BELKNAP

Campbell, Richard H., Jr.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Salatiello, Thomas
Ziegra, Alice S.

Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
Matson, William R.
Pearson, Gertrude B.
Spear, Susan

Barber, Robert E., Jr.
Eaton, Daniel Adams
Hill, Douglas E.
Metzger, Katherine H.
Perry, David M.
Young, David A.

Blacketor, Paul G.
Foster, Katherine Davis
LaMar, David M.
Morse, Jo-Ann T.
Pratt, Irene A.

COOS

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Oleson, Otto H.

Burns, Harold W.
Mayhew, Josephine
Woodburn, Jeffrey R.

Horton, Lynn C.
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Guest, Robert H.
Rose, William B.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.
White, Paul R.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Nordgren, Sharon
Stewart, Roger
Ward, Kathleen W.

HILLSBOROUGH

Amidon, Eleanor H.
Barry, Janet Gail

Andrews, Frederick B.
Barry, Vivian

Baldizar, Barbara J.
Boucher, Lionel R.

Cote, David E.
 Culbert, Patrick
 Dwyer, Patricia R.
 Ford, Nancy M.
 Haettenschwiller, A. A.
 Harlan, Susan N.
 Knight, Alice Tirrell
 Lown, Elizabeth
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Pignatelli, Debora B.
 Sallada, Roland A.
 Steiner, Lee Anne
 Upton, Barbara Allen

Cowenhoven, Garret P.
 Daigle, Robert Arthur
 Dyer, Merton S.
 Gerow, Sezen M.
 Hall, Betty B.
 Jenkins, Mary
 Kurk, Neal M.
 Lozeau, DonnaLee
 McRae, Karen
 Murphy, Robert E.
 Record, Alice Barnard
 Smith, Leonard A.
 Stiles, Walter A.

Cox, Gladys M.
 Dube, Ellen C.
 Dykstra, Leona
 Green, Scott E.
 Hanselman, Gregory L.
 Johnson, Lionel W.
 Lachut, Ervin R.
 Mason, Howard F.
 Messier, Irene M.
 Pappas, Toni
 Robinson, Ellen-Ann
 Spaloss, Henry F.
 Tarpley, Nancy L.

MERRIMACK

Anderson, Eleanor M.
 Bennett, J. Allen
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene
 Teague, Bert
 Wallner, Mary Jane

Bardsley, Elizabeth S.
 Braiterman, Thea
 Fillion, Paul R.
 Gross, Caroline L.
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Smith, Gerald R.
 Tolpin, Richard W.

Beaton, Nancy
 Dunn, Miriam
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Soldati, Jennifer
 Trombly, Rick A.

ROCKINGHAM

Bell, Juanita
 Campbell, Eunice M.
 Cote, Patricia L.
 Gage, Thomas U.
 Hoar, John, Jr.
 Klemm, Arthur P., Jr.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Rosencrantz, James R.
 Sherburne, John L.
 Splaine, John E., Sr.
 Vaughn, Charles L.
 Weyler, Kenneth L.

Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 MacKinnon, Nancy W.
 McCain, William F.
 Pantelakos, Laura C.
 Roulston, Donald L.
 Simon, Peter M.
 Stachowske, Vicki
 Weddle, Michael Rodney
 Wright, David B.

Brown, Lewis W.
 Conroy, Janet M.
 Ford, Bert H.
 Haynes, Richard L.
 Johnson, Robert A.
 MacDonald, Joseph A.
 Mace, Ada L.
 McGovern, Cynthia A.
 Popov, Elizabeth M.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Foss, Patricia H.
 Kinney, Paula J.
 McCann, William H., Jr.
 O'Brien, John

Bickford, Drucilla
 Flynn, Anita A.
 Gilmore, Gary
 Lachance, Douglas
 Merrill, Amanda
 Parks, Joe B.

Brown, Julie M.
 Flynn, Edward J.
 Keans, Sandra Balomenos
 Martling, W. Kent
 Musler, George T.
 Pelley, Janet R.

Scharff, Thomas Edward
Swope, Warren L.
Wall, Janet G.

Spencer, Leo J.
Torr, Ann M.
Wheeler, Katherine Wells

Stewart, Glenn W.
Vincent, Francis C.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith
Stamatakis, Carol M.

Burling, Peter Hoe
Krueger, Richard H.

Harland, Jane A.
Schotanus, Merle W.

NAYS 157

BELKNAP

Ballou, Richard A.
Locke, Matthew J.
Rosen, Ralph J.

Bolduc, Dennis R.
Peters, Kenneth P.

Golden, Paul A.
Rice, Thomas, Jr.

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Cole, Stacey W.
Gordon, Irvin H.
Sawyer, Alfred P.

Delano, Robert F.
Laurent, John J.

Doucette, Richard F.
Pierce, David A.

COOS

Brungot, Catherine V.
Lemire, George
Theriault, Romeo J.

Dumont, Robert E.
Marsh, Beaton

Guay, Lawrence J.
Merrill, Gerald

GRAFTON

Dow, David
LaMott, Paul I.
Townsend, Howard C.

Driscoll, William J.
Markley, J. Keith
Weymouth, Philip H.

Hill, Richard L.
Shackett, Ralph E.

HILLSBOROUGH

Ahrens, Frederick G.
Biondi, Christine A.
Brady, Carolyn L.
Desrosiers, William J.
Domaingue, Jacquelyn
Drolet, Paul L.
Fields, Dennis H.
Frank, Nancy G.
Grip, Robert H.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.
Kuchinski, Steve
Leclerc, Charles J.
McNerney, Daniel P.
Ouellette, Robert O.
Pepino, Leo P.
Reidy, Frank J.
Schneiderat, Catherine

Beaupre, Roland O.
Bourque, Ann J.
Burkush, Peter
Dionne, Paul R.
Donovan, Francis X.
Elliott, Larry G.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Hultgren, David D.
Jean, Romeo W.
King, John A.
Lawrence, Eva M.
Lefebvre, Roland J.
Morrissette, Roland
Packard, Bonnie B.
Perham, Lester R.
Rheault, Lillian I.
Searles, Stanley N., Sr.

Bicknell, Robert C.
Bowers, Dorothy C.
Desrochers, Gerard T.
Dodge, Emma M.
Drabinowicz, A. Theresa
Emerton, Lawrence
Foote, Herbert N., Sr.
Goulet, Maurice E.
Healy, Daniel J.
Hunter, Bruce F.
Keefe, Edmund M.
Kress, Gloria W.
Lawrence, Norman B.
McDowell, James E.
O'Rourke, JoAnne A.
Paquette, Rodolphe G.
Provost, Gilles R.
Riley, Frances L.
Soucy, Lillian E.

Toomey, Daniel
Vanderlosk, Stanley R.
Wright, George W.

Turgeon, Roland M.
Wheeler, David K.
Young, Willard N.

Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Asplund, Bronwyn L.
Carter, Susan D.
Pfaff, Terence R.
Shaw, Randall F.
Whittemore, James A.

Barberia, Richard A.
Daneault, Gabriel
Phelps, James D.
Stio, Peter M.

Boucher, Laurent J.
Holmes, Mary C.
Provencal, Leo A.
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Flanagan, Natalie S.
Gourdeau, Raymond H.
Kane, Cecelia D.
King, Roger C.
McCarthy, John James, Jr.
Raynowska, Bernard J.
Sochalski, Matthew M.
Welch, David A.

Benton, Richardson D.
Buco, Stephen
Cooke, Annette M.
Felch, Charles H., Sr.
Flanders, Harry E.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Palazzo, Frank J., Sr.
Ritzo, Eugene
Sytek, Donna

Boucher, William Paul
Caswell, Albert, Jr.
Drake, Herbert R.
Fesh, Robert M.
Gage, Beverly A.
Hynes, Carolyn E.
Katsakiores, Phyllis
Magoon, Harold F.
Parsons, Robert F.
Seward, Russell G.
Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Frechette, Roland A.
Sullivan, Henry P.

Callaghan, Robert J.
Kincaid, William
Torr, Ralph W.

Dionne, Albert J.
Marston, Robert E.
Tsiros, William

SULLIVAN

Domini, Irene C.
Middleton, John A.

Flint, Gordon B.
Peyron, Fredrik

MacAskill, Kenneth M.
Rodeschin, Beverly T.,

and the Governor's veto was sustained lacking the necessary two-thirds.

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the Late Session be in order at the present time, and when the House adjourns today it be to meet Thursday, April 19 at 1:00 p.m.

Adopted.

Rep. Gross moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 2:15 p.m.

RECESS

(Rep. Ann Torr in the Chair)

CONFEREES CHANGES

HB 1062, Rep. Daneault replaces Rep. Scharff

SB 378, Rep. Gross replaces Rep. McKinney

HB 1304, Rep. Jasper replaces Rep. Thomas Gage.

SB 320, Rep. Lockwood replaces Rep. Keans.

Rep. Benton moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 22

Thursday, April 19, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend James Gray of the United Church of Christ in Newport, guest of Rep. Gordon Flint.

Shall we be in communion with our God. Let us pray.

Since we cannot without You, O God, and You will not without us, we offer this prayer; for as politicians or ministers, parents or grandparents, as citizens of New Hampshire and members of the human family, and inhabitants of planet Earth, You call us to be instruments of Your love and justice.

It is never easy to discern Your will, O God. It is said that Your wisdom often sounds like foolishness to us. It is said that children may detect it while adults may remain deaf. It is said that it often comes in the whispers of pain, the cries of the homeless, the pleas of the needy.

So grant us ears to hear, eyes to see, and hearts with which to care for Your special voices.

In my home county of Sullivan, the Governor's Commission for Planning for the 21st Century is meeting even as I speak.

Let us realize that the future begins now. The future begins here, in the votes and words of these people.

Thus I pray Your blessing upon them and their ministry, that their constituents will feel close-by, that their compromises will not compromise Your love, that their consciences and their minds will be sharp and Your spirit will be their guide forever. Amen.

Rep. Dunn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Doucette, Holbrook, Kress, Nardi, Pantelakos, Richardson, Soucy and Sanderson, the day, illness.

Reps. Apple, Avery, Buckley, Cowenhoven, Dickinson, Hawkins, Hynes, Markley, Mayhew, Musler, Parr, Prestipino, Rheault, Rosencrantz, Toomey and Gerald Smith, the day, important business.

Rep. Schneiderat, the day, illness in family.

INTRODUCTION OF GUESTS

Former Rep. George Maglaras, guest of Reps. David Wright, Janet Wall and the Strafford County Delegation; Janet Rose, wife of Rep. William Rose; Marian Salada, wife of Rep. Roland Sallada; Donald, Adam and Josh Black of Strafford, guests of Rep. Janet Pelley; Charlene Kane, daughter of Rep. Cecelia Kane; Beverly, Darcy and Eric Ocean, guests of Rep. George Wright; in the United States for this year AFS International (an exchange program) Cornelis Huijben, Netherlands, staying in Pittsfield; Erika de Padua, Brazil, staying in Alton, Dino Monti, Italy, staying in Hampstead, guests of Speaker Scamman; JoAnn Goulet, wife of Rep. Maurice Goulet.

EARTH DAY ACKNOWLEDGMENT

The House Majority and Minority Leadership offered the following:

RESOLUTION NO. 65

acknowledging Earth Day 1990

WHEREAS, on the Twenty-Second day of April, in the Year of Our Lord, Nineteen Hundred and Seventy, the first Earth Day was celebrated, bringing together more than twenty million Americans who demonstrated their genuine concern for the environment, and

WHEREAS, the celebration of Earth Day 1990 will be on Sunday, the Twenty-Second day of April, with a strong emphasis being placed on the importance of recycling, water and energy conservation, and the adoption of ecologically-sound lifestyles, and

WHEREAS, Earth Day 1990 has been planned to bring into focus the present environmental health of the planet and the threats caused by global warming, ozone depletion, tropical deforestation, ocean pollution, toxic and nuclear wastes, and overpopulation, and

WHEREAS, Earth Day 1990 activities and events will be aimed at educating all citizens about the importance of supporting the passage of legislation that will help protect the environment, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that all New Hampshire citizens be urged to participate in Earth Day 1990.

Adopted.

Reps. Katie Wheeler and Shirley Bennett sang the following song:

A LEGISLATIVE TRIBUTE

(to the tune of "Carolina in the Morning")

Nothing gives more pleasure than the keeping of the treasure of our planet.

Earth Day makes us ponder the destruction here and yonder of our planet.

Every owl and tiger needs a safe abode;

Even the small snail-darter deserves its wat'ry road.

Nothing's growing faster than the trash which we can't master on our planet.

Acid rain keeps falling down to poison every lake and town; let's ban it!

If we were the president for only a day,

We'd make a law, and here's what we'd say:

"Clean our air and water, and let's all do what we oughter for our planet!"

Let's clean our planet.

Let's save our planet.

Rep. John O'Brien gave a short Earth Day speech.

Don Black, the Extension Educator of Forestry for the University of New Hampshire Strafford County Cooperative Extension, with Adam Black and Josh Black sang "Sense of Our Community."

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 66

commending the boys' varsity basketball team

of Merrimack Valley Regional High School in Penacook

WHEREAS, the boys' varsity basketball team of Merrimack Valley High School, on March 3, 1990 defeated Kennett High School, 65-55, to win, for the second consecutive year, the New Hampshire Class I title, and

WHEREAS, the Merrimack Valley High School team was seeded fourth in the 1990 championship tournament, and before reaching the final round first had to defeat Monadnock Regional High School, and then in overtime the tournament's top seed and overwhelming favorite, Pembroke Academy, and

WHEREAS, the win boosted the Merrimack Valley High School boys' varsity basketball team record to sixteen wins against only five losses, and,

WHEREAS, throughout the 1990 championship tournament, the Merrimack Valley High School boys' varsity basketball team was faced with the constant liability of being the underdog always playing against the favorite, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Kevin O'Brien and Assistant Coaches Kelley Scammell and Mark Stewart, and led by Co-Captains Dan Fisher and Todd Hill, and

WHEREAS, the members of the 1990 championship team have brought great honor to their school, their families and their communities, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the boys' varsity basketball team of Merrimack Valley High School be saluted and recognized for winning the 1990 Class I State Championship, and be it further

RESOLVED, that the players and coaches receive highest praise and accolades for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Merrimack Valley High School.

Adopted.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1129-FN-A, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor. (Amendment printed SJ 17, 4/10)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

ENROLLED BILL AMENDMENT

SB 309-FN-A, establishing a New Hampshire heritage trail and making an appropriation therefor.

Amendment

Amend RSA 216-A:15, III as inserted by section 3 of the bill by replacing line 1 with the following:

III. The governor shall select a chairperson from the above 16

Rep. Phelps yielded to questions.

Adopted.

ENROLLED BILLS REPORT

HB 514, relative to rulemaking authority of the director, division of public health services.

HB 1092, relative to low and moderate income housing, equity sharing, and reverse equity loans.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant and removing the requirement that a town have a population of 5,000 or more to elect a board of selectmen of 5 members.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same.

HB 1315, relative to child support guidelines and to guardians ad litem appointed in marital cases.

HB 1348, establishing a committee to oversee the preliminary steps in the creation of an access to health care program and making an appropriation therefor.

HB 1357, relative to the rulemaking authority of the commissioner of environmental services.

HB 1379, relative to notice given to affected municipalities concerning effluent discharges.

HB 1386, relative to child support enforcement.

HB 1394, relative to the election of optional retirement allowances.

HB 1415, relative to OHRV safety and training.

SB 301, relative to licensing commercial vehicle drivers and to the demerit point system used to revoke or suspend certain drivers' licenses.

SB 313, relative to the Nashua courthouse and making an appropriation therefor.

SB 321, relative to group health insurance.

SB 324, relative to the Spaulding Turnpike and making an appropriation therefor.

SB 338, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.

SB 386, relative to a public trust grant for the town of Lincoln's water supply and Loon Mountain Recreation Corporation's snowmaking.

SB 392, relative to the Spaulding Turnpike.

SB 401, relative to fines imposed for DWI.

HB 1073, relative to sales representatives' contracts.

HB 1222, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

COMMITTEE OF CONFERENCE REPORT

HCR 13, to protect and preserve the tenth amendment to the United States Constitution. (Report printed SJ 20, 4/19/90)

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 328

The committee of conference to which was referred Senate Bill 328, An Act restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Referendum. The provisions of section 2 of this act shall take effect pursuant to the provisions of RSA 51:9 upon ratification by a 2/3 vote of the voters present and voting by ballot at the regular annual meetings of both the town of Albany and the

town of Sandwich, and each town clerk shall certify within 10 days to the secretary of state the results of said referendum.

Conferees on the Part of the Senate:

Sen. Bond, Dist. 1; Sen. Heath, Dist. 3; Sen. Preston, Dist. 23.

Conferees on the Part of the House:

Rep. Golden, Belk. 7; Rep. Allard, Carr. 2; Rep. Baldizar, Hills. 22; Rep. Da-neault, Merr. 8.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 340-FN-A

The committee of conference to which was referred Senate Bill 340-FN-A, An Act establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Dupont, Dist. 6, Sen. Blaisdell, Dist. 10, Sen. Torr, Dist. 21.

Conferees on the Part of the House:

Rep. Pappas, Hills. 37; Rep. Foster, Carr. 4; Rep. Copenhagen, Graf. 12; Rep. Hager, Merr. 21.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 361

The committee of conference to which was referred Senate Bill 361, An Act relative to radon gas and lead paint having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 477:4-a, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon Gas: Radon gas, the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. This gas may pass into a structure through the ground or through water from a deep well. Testing can establish its presence and equipment is available to remove it from the air or water.

Lead Paint: Before 1977, paint containing lead may have been used in structures. The presence of flaking lead paint can present a serious health hazard, especially to young children and pregnant women. Tests are available to determine whether lead is present."

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or

to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph I.

Conferees on the Part of the Senate:

Sen. Bond, Dist. 1; Sen. Preston, Dist. 23; Sen. Freese, Dist. 4.

Conferees on the Part of the House:

Rep. Rodeschin, Sull. 2; Rep. Vogler, Belk. 4; Rep. Spear, Ches. 13; Rep. Rosen, Belk. 9.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 384-FN-A

The committee of conference to which was referred Senate Bill 384-FN-A, An Act relative to medical examiners and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Increased Fee. Amend RSA 611-A:9 to read as follows:

611-A:9 Liability for Expenses of Autopsies. The county wherein the death occurred shall pay to the state treasurer a fee in the amount of [\$300] **\$500** for each autopsy performed by the chief medical examiner or the acting chief medical examiner.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill authorizes the chief medical examiner to appoint an associate chief medical examiner and assistant deputy medical examiners and makes an appropriation to the office of the chief medical examiner.

The bill also imposes a reasonable fee for each copy of an autopsy report made available upon request and increases the county's fee for each autopsy performed by the office of the medical examiner.

Conferees on the Part of the Senate:

Sen. St. Jean, Dist. 20; Sen. Bartlett, Dist. 19; Sen. Podles, Dist. 16.

Conferees on the Part of the House:

Rep. Sochalski, Rock. 23; Rep. Chase, Rock. 28; Rep. Tarpley, Hills. 9; Rep. Weymouth, Graf. 2.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 391-FN

The committee of conference to which was referred Senate Bill 391-FN, An Act relative to confidential communications between certain victims and counselors, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Roberge, Dist. 9; Sen. Nelson, Dist. 13.

Conferees on the Part of the House:

Rep. Lown, Hills. 9; Rep. Burling, Sull. 1; Rep. Moore, Hills. 5; Rep. Lockwood, Merr. 6.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 320-FN

The committee of conference to which was referred Senate Bill 320-FN, An Act relative to court-ordered commitments having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Senior Assistant Attorneys General. Amend RSA 21-M:3, IV to read as follows:

IV. The attorney general may designate no more than [8] **10** assistant attorneys general to serve as senior assistant attorneys general. Senior assistant attorneys general shall serve as bureau chiefs and in such other positions as the attorney general may determine. Senior assistants shall serve in that capacity at the pleasure of the attorney general. *Notwithstanding any other provision of law, the positions in this section shall be funded within appropriations made to the department of justice for each biennium and through the salary adjustment fund, as needed.*

5 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Preston, Dist. 23; Sen. Bass, Dist. 11.

Conferees on the Part of the House:

Rep. Gage, Rock. 13; Rep. Sytek, Rock. 20; Rep. Murphy, Hills. 40; Rep. Lockwood, Merr. 6.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 333-FN-A

The committee of conference to which was referred Senate Bill 333-FN-A, An Act making a supplemental appropriation to aid the sensory impaired having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Blaisdell, Dist. 10; Sen. Dupont, Dist. 6; Sen. Nelson, Dist. 13.

Conferees on the Part of the House:

Rep. Hager, Merr. 21; Rep. Senter, Rock. 9; Rep. Knight, Hills. 6; Rep. Pignatelli, Hills. 31.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 359

The committee of conference to which was referred Senate Bill 359, An Act relative to modifying planning board procedures on plats having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 676:4, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c)(1) The board shall begin formal consideration of the application within 30 days after submission of the completed application. The board shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 90 days after submission, subject to extension or waiver as provided in subparagraph (f). Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all proposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the selectmen or city council to issue an order to the planning board under subparagraph (1), or to certify approval of the plat upon the planning board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

Amend the bill by replacing section 3 with the following:

3 Application. The provisions of sections 1 and 2 of this act shall be prospective only, and shall apply to any application submitted to and accepted as complete by the planning board on or after the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the process for planning board approval or disapproval of plats. If the planning board fails to approve or disapprove the application, the selectmen or city council are authorized, upon the request of the applicant, to issue immediately an order directing the board to act on the application within 30 days. Failure of the planning board to comply with such order of the selectmen or city council within 40 days of the issuance of the order shall mean the application is approved, unless within those 40 days, the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply.

The bill eliminates the requirement that the applicant must appeal to the superior court over the failure of the planning board to act.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3; Sen. Johnson, Dist. 17; Sen. Krasker, Dist. 24.

Conferees on the Part of the House:

Rep. Metzger, Ches. 11; Rep. Wadsworth, Graf. 13; Rep. Dykstra, Hills. 39; Rep. Baldizar, Hills. 22.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 367-FN

The committee of conference to which was referred Senate Bill 367-FN, An Act relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Blaisdell, Dist. 10; Sen. Dupont, Dist. 6; Sen. Torr, Dist. 21.

Conferees on the Part of the House:

Rep. MacDonald, Carr. 6; Rep. Burton, Straf. 4; Rep. Gage, Rock. 20; Rep. Cole, Ches. 10.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 371-FN

The committee of conference to which was referred Senate Bill 371-FN, An Act authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 313-A:18 as inserted by section 2 of the bill by replacing it with the following:

313-A:18 Expiration and Renewal of Licenses. Each barber, barber instructor, apprentice, barbershop, [or] barber school, *esthetician, esthetics instructor, esthetics school, esthetics salon, manicurist, apprentice, beauty salon, or manicuring salon* license issued under this chapter shall expire on June 30 in the odd year next succeeding its date of issuance. Each [esthetician, esthetics instructor, esthetics school, esthetics salon,] cosmetologist, [manicurist,] cosmetology instructor, [apprentice, beauty salon, manicuring salon,] or cosmetology school license issued under this chapter shall expire on [June 30] *the birthday of the licensee* in the even year next succeeding its date of issuance. Any license which has expired may be renewed at any time during the year next following upon payment of the renewal fee established by the board and an additional fee of \$5, and at any time during the next succeeding year period upon the payment of the renewal fee and an additional fee of \$10. If the holder of any license fails to renew the same within 2 years after its expiration, he may renew the same within 5 years after expiration by paying the same fee required for an original license.

Amend section 4 of the bill by replacing it with the following:

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the cosmetology board to impose additional disciplinary penalties for violation of the barbering, cosmetology, and esthetics law.

The bill also changes the expiration date of certain cosmetology licenses from June 30 in each even year to the birthday of the licensee in each even year.

The bill appropriates funds to the board for the purpose of sending out license renewal notices.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Disnard, Dist. 8; Sen. Bass, Dist. 11.

Conferees on the Part of the House:

Rep. MacDonald, Rock. 7; Rep. Goulet, Hills. 11; Rep. Kane, Rock. 28; Rep. Hager, Merr. 21.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 374-FN

The committee of conference to which was referred Senate Bill 374-FN, An Act establishing a study committee to examine probate court reporting requirements having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 1 of the bill by replacing paragraph VI with the following:

VI. One representative from the division of elderly and adult services, appointed by the commissioner of the department of health and human services.

Amend section 1 of the bill by replacing paragraph X with the following:

X. One member of the Office of Public Guardian, appointed by the director of such organization.

Amend section 3 of the bill by replacing paragraph I with the following:

I. The committee shall examine the existing laws, rules, and procedures relating to reporting requirements and responsibilities of individuals responsible for probate estate accounts, probate trust accounts, conservatorship accounts, guardian accounts, powers of attorney, and similar fiduciary accounts and powers.

AMENDED ANALYSIS

This bill establishes a committee to examine the existing laws, rules, and procedures governing the reporting requirements and responsibilities of individuals in charge of certain fiduciary accounts.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Krasker, Dist. 24; Sen. McLane, Dist. 15.

Conferees on the Part of the House:

Rep. Gage, Rock. 13; Rep. Burling, Sull. 1; Rep. Lockwood, Merr. 6; Rep. Martling, Straf. 4.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 377-FN

The committee of conference to which was referred Senate Bill 377-FN, An Act to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Blaisdell, Dist. 10; Sen. Magee, Dist. 12.

Conferees on the Part of the House:

Rep. MacDonald, Carr. 6; Rep. Campbell, Belk. 5; Rep. Dyer, Hills. 7; Rep. Ward, Graf. 1.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 378

The committee of conference to which was referred Senate Bill 378, An Act making technical amendments to the liquor laws having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Disnard, Dist. 8; Sen. Bartlett, Dist. 19.

Conferees on the Part of the House:

Rep. Gross, Merr. 16; Rep. Simon, Rock. 9; Rep. Andrews, Hills. 26; Rep. Lemire, Coos 8.

Report adopted.

(Rep. Lozeau in the Chair)

COMMITTEE OF CONFERENCE REPORT ON SB 390

The committee of conference to which was referred Senate Bill 390, An Act relative to laws regarding abuse and neglect of children, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Clarification of Type of Information Required. Amend RSA 169-C:7, III(a) to read as follows:

(a) The date[,] *and* time, *to the extent known, the* manner and place of the conduct alleged to constitute abuse or neglect, and the statutory grounds upon which the petition is based;

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Nelson, Dist. 13; Sen. Bass, Dist. 11.

Conferees on the Part of the House:

Rep. Bean, Graf. 13; Rep. Brady, Hills. 33; Rep. Johnson, Hills. 37; Rep. Bowers, Hills. 11.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 397

The committee of conference to which was referred Senate Bill 397, An Act relative to drug testing of drivers and adult pedestrians involved in fatal accidents having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of RSA 265:93 as inserted by section 1 of the bill by replacing it with the following:

When an accident results in death or serious bodily injury to any person, all drivers and deceased pedestrians involved shall be tested for blood alcohol content. In case of death or serious bodily injury to any driver, vehicle occupant or pedestrian, a law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician to withdraw blood from the body of the driver, deceased occupant or deceased pedestrian for the purpose of testing blood alcohol content; provided that in the case of a living driver the officer has probable cause to believe that the driver was under the influence of alcohol or a controlled drug when driving the vehicle. Any person who has been arrested for a felony level offense involving driving under the influence of alcohol who knowingly refuses to submit to the test shall be guilty of a misdemeanor. All tests made under this section shall be conducted by the division of public health services or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended.

Conferees on the Part of the Senate:

Sen. Preston, Dist. 23; Sen. Heath, Dist. 3; Sen. Johnson, Dist. 17.

Conferees on the Part of the House:

Rep. Johnson, Merr. 5; Rep. Murphy, Hills. 40; Rep. Lozeau, Hills. 25; Rep. Jasper, Hills. 19.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 398

The committee of conference to which was referred Senate Bill 398, An Act relative to the east-west highway study having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate:

Sen. Torr, Dist. 21; Sen. Preston, Dist. 23; Sen. Dupont, Dist. 6.

Conferees on the Part of the House:

Rep. Phelps, Merr. 1; Rep. McNerney, Hills. 6; Rep. Torr, Straf. 6; Rep. Callaghan, Straf. 11.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 406-FN

The committee of conference to which was referred Senate Bill 406-FN, An Act relative to creditable service for retirement purposes for teachers who job share having considered the same, report the committee is unable to reach agreement.

Conferees on the Part of the Senate:

Sen. Torr, Dist. 21; Sen. Blaisdell, Dist. 10; Sen. Delahunty, Dist. 22.

Conferees on the Part of the House:

Rep. MacDonald, Carr. 6; Rep. Campbell, Belk. 5; Rep. King, Hills. 42; Rep. Robinson, Hills. 12.

Report adopted.

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 348-FN, relative to damages from construction. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 409-FN, relative to licensing professional foresters. (Report printed SJ 20, 4/19/90)

Reps. Stacey Cole and Kurk spoke against the report.

Rep. Scanlan spoke in favor of the report and yielded to questions.

Rep. Schotanus spoke in favor of the report.

On a division vote, 174 having voted in the affirmative and 128 members in the negative, the report was adopted.

(Speaker in the Chair)

HB 756-FN, relative to cluster development and multi-family dwellings. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover. (Report printed SJ 20, 4/19/90)

Report adopted.

(Rep. William McCain in the Chair)

HB 1026, relative to the definition of public access to public waters. (Report printed SJ 20, 4/19/90)

On a voice vote, the Chair was in doubt and called for a division, 263 members having voted in the affirmative and 32 in the negative, the report was adopted.

HB 1027-FN, establishing a black bear management program and requiring a special bear license. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1028, relative to the number of events at which a club may serve liquor in a year. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1046, relative to the declaration of purpose for the planning and zoning laws. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1083, establishing speed limits for the operation of OHRVs. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1103-FN, relative to the regional fuel tax agreement. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1204-FN, reinstating the corporate charter of the Waltham Screw Co., Inc. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1228-FN, relative to preparation of master jury lists by computer. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children. (Report printed SJ 20, 4/19/90)
Report adopted.

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Report printed SJ 20, 4/19/90)
Reps. Perry, Elizabeth Greene and Millard spoke in favor of the report.

(Speaker in the Chair)

Reps. Schotanus, Wadsworth and Grodin spoke in favor of the report and yielded to questions.

Reps. Scharff, Arnesen and Hoar spoke against the report and yielded to questions.
Rep. Ward spoke against the report.

A roll call was called for. Sufficiently seconded.

YEAS 109 BELKNAP

Bolduc, Dennis R.
Turner, Robert H.

Campbell, Richard H., Jr.
Ziegra, Alice S.

Randall, Kenneth A.

CARROLL

MacDonald, Kenneth J.

Powers, Gerard E., Jr.

CHESHIRE

Cole, Stacey W.
Grodin, Richard A.
Perry, David M.

Delano, Robert F.
Laurent, John J.
Sawyer, Alfred P.

Gordon, Irvin H.
Morse, Jo-Ann T.

COOS

Burns, Harold W.
Marsh, Beaton

Guay, Lawrence J.
Theriault, Romeo J.

Lemire, George

GRAFTON

Bean, Pamela B.
Driscoll, William J.
Scanlan, David M.
Wadsworth, Karen O.

Brown, Channing T.
LaMott, Paul I.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

Dow, David
Larson, Nils H., Jr.
Townsend, Howard C.

HILLSBOROUGH

Ahrens, Frederick G.
Grip, Robert H.
Jasper, Shawn N.
Lawrence, Norman B.
Pepino, Leo P.
Sallada, Roland A.
Tyree, Paul M.

Bicknell, Robert C.
Gureckis, Adam C., Sr.
Keefe, Edmund M.
Mason, Howard F.
Perham, Lester R.
Searles, Stanley N., Sr.
Wheeler, David K.

Drolet, Paul L.
Harlan, Susan N.
Knight, Alice Tirrell
McCann, Bonnie Lou
Robinson, Ellen-Ann
Tarpley, Nancy L.
Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
Fraser, Leo W., Jr.
Hill, Michael
Pantzer, Eugene
Provencal, Leo A.
West, George M.

Daneault, Gabriel
Gross, Caroline L.
Lewis, Mary Ann
Pfaff, Terence R.
Shaw, Randall F.

Fair, Patricia A.
Hager, Elizabeth
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Boucher, William Paul
Conroy, Janet M.
Fesh, Robert M.
Greene, Elizabeth A.
King, Roger C.
McCain, William F.
Parsons, Robert F.
Seward, Russell G.
Sytek, Donna

Benton, Richardson D.
Campbell, Eunice M.
Cote, Patricia L.
Flanders, Harry E.
Johnson, Robert A.
Klemarczyk, Thaddeus E.
McCarthy, John James, Jr.
Ritzo, Eugene
Sherburne, John L.
Warburton, Calvin

Blanchard, MaryAnn N.
Campbell, Marilyn R.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Katsakiores, George N.
MacDonald, Maurice B.
Palazzo, Frank J., Sr.
Roulston, Donald L.
Splaine, John E., Sr.

STRAFFORD

Brown, Julie M.
Torr, Ann M.

Frechette, Roland A.
Tsiros, William

Kinney, Paula J.

SULLIVAN

Behrens, Thomas A.
Middleton, John A.
Schotanus, Merle W.

Hinrichsen, Keith
Peyron, Fredrik

Krueger, Richard H.
Rodeschin, Beverly T.

NAYS 213**BELKNAP**

Golden, Paul A.
Pearson, Ralph W.
Salatiello, Thomas

Hardy, Earle D.
Rice, Thomas, Jr.
Vogler, Charles C.

Maviglio, Steven R.
Rosen, Ralph J.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Saunders, Howard N.

Chandler, Gene G.
Foster, Robert W.

Daly, Robert J., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Matson, William R.
Pierce, David A.

Blacketor, Paul G.
Eaton, Daniel Adams
Metzger, Katherine H.
Spear, Susan

Cole, Kenneth A.
LaMar, David M.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Woodburn, Jeffrey R.

Dumont, Robert E.
Merrill, Gerald

Horton, Lynn C.
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Densmore, Edward D.
Nordgren, Sharon
Weymouth, Philip H.

Arnesen, Deborah L.
Christy, C. Dana
Guest, Robert H.
Stewart, Roger
White, Paul R.

Bennett, Shirley M.
Copenhaver, Marion L.
Hill, Richard L.
Ward, Kathleen W.

HILLSBOROUGH

Alukonis, David J.
Baldizar, Barbara J.
Bourque, Ann J.
Burkush, Peter
Culbert, Patrick
Dodge, Emma M.
Drabinowicz, A. Theresa
Dyer, Merton S.
Emerton, Lawrence
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.
Green, Scott E.
Hanselman, Gregory L.
Hultgren, David D.

Amidon, Eleanor H.
Barry, Janet Gail
Bowers, Dorothy C.
Cote, David E.
Daigle, Robert Arthur
Domaingue, Jacquelyn
Dube, Ellen C.
Dykstra, Leona
Fields, Dennis H.
Ford, Nancy M.
Gerow, Sezen M.
Haettenschwiller, A. A.
Healy, Daniel J.
Hunter, Bruce F.

Andrews, Frederick B.
Barry, Vivian
Brady, Carolyn L.
Cox, Gladys M.
Desrosiers, William J.
Donovan, Francis X.
Dwyer, Patricia R.
Elliott, Larry G.
Flood, Jacqueline J.
Frank, Nancy G.
Goulet, Maurice E.
Hall, Betty B.
Holden, Carol H.
Jean, Romeo W.

Jenkins, Mary
 King, John A.
 Lawrence, Eva M.
 Lown, Elizabeth
 McNerney, Daniel P.
 Moore, Elizabeth A.
 O'Rourke, JoAnne A.
 Pappas, Toni
 Reidy, Frank J.
 Spaloss, Henry F.
 Upton, Barbara Allen
 Wright, George W.

Johnson, Lionel W.
 Kurk, Neal M.
 Leclerc, Charles J.
 Lozeau, Donnalee
 McRae, Karen
 Morrisette, Roland
 Ouellette, Robert O.
 Pignatelli, Debora B.
 Riley, Frances L.
 Stiles, Walter A.
 Vanderlosk, Stanley R.

Kelley, Robert N.
 Lachut, Ervin R.
 Lefebvre, Roland J.
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Packard, Bonnie B.
 Record, Alice Barnard
 Smith, Leonard A.
 Turgeon, Roland M.
 Wihby, Linda S.

MERRIMACK

Asplund, Bronwyn L.
 Bennett, J. Allen
 Carter, Susan D.
 Gilbreth, Robert M.
 Holmes, Mary C.
 Kidder, William F.
 Soldati, Jennifer
 Wallner, Mary Jane

Barberia, Richard A.
 Boucher, Laurent J.
 Dunn, Miriam
 Hall, Douglas E.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Stio, Peter M.
 Whittemore, James A.

Beaton, Nancy
 Braiterman, Thea
 Fillion, Paul R.
 Hayes, Robert C.
 Johnson, C. William
 Nichols, Avis B.
 Trombly, Rick A.

ROCKINGHAM

Bell, Juanita
 Chase, Lawrence A., Jr.
 Flanagan, Natalie S.
 Gage, Thomas U.
 Hoar, John, Jr.
 Kane, Cecelia D.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Remick, Barbara R.
 Skinner, Patricia M.
 Weddle, Michael Rodney

Brown, Jeffrey M.
 Drake, Herbert R.
 Ford, Bert H.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McGovern, Cynthia A.
 Popov, Elizabeth M.
 Senter, Marilyn P.
 Tufts, J. Arthur
 Welch, David A.

Brown, Lewis W.
 Dube, LeRoy S.
 Gage, Beverly A.
 Haynes, Richard L.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McKinney, Betsy
 Raynowska, Bernard J.
 Simon, Peter M.
 Vaughn, Charles L.
 Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Flynn, Anita A.
 Gilmore, Gary
 Martling, W. Kent
 O'Brien, John
 Scharff, Thomas Edward
 Sullivan, Henry P.
 Wall, Janet G.

Bernard, Mary E.
 Callaghan, Robert J.
 Flynn, Edward J.
 Lachance, Douglas
 McCann, William H., Jr.
 Parks, Joe B.
 Spencer, Leo J.
 Swope, Warren L.
 Wheeler, Katherine Wells

Bickford, Drucilla
 Dionne, Albert J.
 Foss, Patricia H.
 Marston, Robert E.
 Merrill, Amanda
 Pelley, Janet R.
 Stewart, Glenn W.
 Vincent, Francis C.
 Young, John B.

SULLIVAN

Burling, Peter Hoe
 Stamatakis, Carol M.,
 and the report lost.

Domini, Irene C.

Flint, Gordon B.

**CONFERENCE COMMITTEE DISCHARGED
REQUEST NEW CONFERENCE**

Rep. Betty Hall moved that the House discharge the committee of conference on HB 1248, relative to monitoring the reassessment of taxable property by the department of revenue administration, and request a new committee of conference and to direct the House conferees not to accept the Wheelabrator-Epping section of the bill.

Rep. Scharff spoke against the motion.

Reps. Grodin, Ward and Hoar spoke in favor of the motion.

Adopted.

The Speaker appointed Reps. Grodin, Roger King, Wadsworth and Daneault.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures. (Report printed SJ 20, 4/19/90)

Rep. Jasper spoke to the report.

Report adopted.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate. (Report printed SJ 20, 4/19/90)

Report adopted.

(Rep. Sytek in the Chair)

HB 1405-FN-A, relative to sludge and septage management programs. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1409-FN, relative to workers' compensation and making an appropriation therefor. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1432-FN, relative to the New Hampshire rivers management and protection program. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1438, relative to the goals and objectives for reduction of solid waste. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1439-FN, relative to the reimbursement to the state for certain services rendered at race tracks. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 363-FN, relative to the issuing of trapping licenses. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 430-FN, relative to certification for real estate appraisers. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1062, relative to record books kept by registers of deeds. (Report printed SJ 20, 4/19/90)

Rep. Turner spoke in favor of the report.

Report adopted.

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1120, relative to notice of insurance cancellation. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1162-A, relative to the railroad banking program. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1174-FN, relative to laws regarding children and minors. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations. (Report printed SJ 20, 4/19/90)

Rep. Shaw requested a quorum count.

The Speaker declared a quorum present.

Reps. Shaw and Salatiello spoke against the report.

Reps. LaMott and Phelps spoke in favor of the report.

Rep. Guay spoke against the report and yielded to questions.

Rep. Lawrence Chase requested a quorum count.

The Speaker declared a quorum present.

(Speaker in the Chair)

Rep. Lawrence Chase spoke against the report.

A roll call was called for. Sufficiently seconded.

YEAS 147

NAYS 167

**YEAS 147
BELKNAP**

Campbell, Richard H., Jr.
Rosen, Ralph J.

Hardy, Earle D.
Ziegra, Alice S.

Pearson, Ralph W.

CARROLL

Chandler, Gene G.
Olimpio, J. Lisbeth

Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

MacDonald, Kenneth J.

CHESHIRE

Delano, Robert F.
Grodin, Richard A.
Morse, Jo-Ann T.

Eaton, Daniel Adams
Matson, William R.
Sawyer, Alfred P.

Gordon, Irvin H.
Metzger, Katherine H.

COOS

Burns, Harold W.
Lemire, George
Oleson, Otto H.

Horton, Lynn C.
Marsh, Beaton

Kilbride, Dennis J.
Nelson, Harold D.

GRAFTON

Bean, Pamela B.
Christy, C. Dana
LaMott, Paul I.
Stewart, Roger
Ward, Kathleen W.

Bennett, Shirley M.
Driscoll, William J.
Larson, Nils H., Jr.
Townsend, Howard C.
Weymouth, Philip H.

Brown, Channing T.
Guest, Robert H.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bourque, Ann J.
Donovan, Francis X.
Emerton, Lawrence
Grip, Robert H.
Healy, Daniel J.
Knight, Alice Tirrell
Lown, Elizabeth
McNerney, Daniel P.
Murphy, Robert E.
Record, Alice Barnard
Smith, Leonard A.

Alukonis, David J.
Barry, Vivian
Bowers, Dorothy C.
Dube, Ellen C.
Ford, Nancy M.
Gureckis, Adam C., Sr.
Holden, Carol H.
Lawrence, Eva M.
McCann, Bonnie Lou
Messier, Irene M.
O'Rourke, JoAnne A.
Robinson, Ellen-Ann
Tarpley, Nancy L.

Amidon, Eleanor H.
Bicknell, Robert C.
Desrosiers, William J.
Dwyer, Patricia R.
Goulet, Maurice E.
Haettenschwiller, A. A.
Jean, Romeo W.
Lefebvre, Roland J.
McDowell, James E.
Moore, Elizabeth A.
Pignatelli, Debora B.
Sallada, Roland A.
Tyree, Paul M.

MERRIMACK

Asplund, Bronwyn L.
Fraser, Leo W., Jr.
Hager, Elizabeth
Lewis, Mary Ann
Nichols, Avis B.
Soldati, Jennifer
Wallner, Mary Jane

Bardsley, Elizabeth S.
Gilbreth, Robert M.
Hill, Michael
Lockwood, Robert A.
Pantzer, Eugene
Teague, Bert
West, George M.

Bennett, J. Allen
Gross, Caroline L.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Trombly, Rick A.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Conroy, Janet M.
Flanders, John W., Sr.
Greene, Elizabeth A.
Johnson, Robert A.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
Micklon, Stephanie K.

Blanchard, MaryAnn N.
Felch, Charles H., Sr.
Gage, Beverly A.
Haynes, Richard L.
King, Roger C.
MacDonald, Maurice B.
McCain, William F.
Parsons, Robert F.

Campbell, Marilyn R.
Flanders, Harry E.
Gage, Thomas U.
Hollingworth, Beverly A.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McGovern, Cynthia A.
Popov, Elizabeth M.

Ritzo, Eugene
 Skinner, Patricia M.
 Vaughn, Charles L.

Senter, Marilyn P.
 Sochalski, Matthew M.
 Wells, Henry E.

Simon, Peter M.
 Sytek, Donna

STRAFFORD

Burton, Wayne M.
 Martling, W. Kent
 Scharff, Thomas Edward
 Torr, Ann M.

Foss, Patricia H.
 Parks, Joe B.
 Stewart, Glenn W.
 Wheeler, Katherine Wells

Frechette, Roland A.
 Pelley, Janet R.
 Swope, Warren L.

SULLIVAN

Behrens, Thomas A.
 Schotanus, Merle W.

Peyron, Fredrik

Rodeschin, Beverly T.

NAYS 167

BELKNAP

Bolduc, Dennis R.
 Randall, Kenneth A.
 Vogler, Charles C.

Golden, Paul A.
 Salatiello, Thomas

Maviglio, Steven R.
 Turner, Robert H.

CARROLL

Allard, Nanci A.
 Saunders, Howard N.

Daly, Robert J., Jr.

Foster, Robert W.

CHESHIRE

Barber, Robert E., Jr.
 Crutchley, Donald O.
 Laurent, John J.
 Pierce, David A.

Cole, Kenneth A.
 Hill, Douglas E.
 Pearson, Gertrude B.
 Spear, Susan

Cole, Stacey W.
 LaMar, David M.
 Perry, David M.
 Young, David A.

COOS

Brungot, Catherine V.
 Merrill, Gerald

Dumont, Robert E.
 Theriault, Romeo J.

Guay, Lawrence J.

GRAFTON

Adams, Carl S.
 Copenhagen, Marion L.
 Hill, Richard L.
 Teschner, Douglass P.

Arnesen, Deborah L.
 Densmore, Edward D.
 Nordgren, Sharon
 White, Paul R.

Chambers, Mary P.
 Dow, David
 Rose, William B.

HILLSBOROUGH

Baldizar, Barbara J.
 Burkush, Peter
 Daigle, Robert Arthur
 Drabinowicz, A. Theresa
 Dykstra, Leona
 Flood, Jacqueline J.
 Gagnon, Gabrielle V.
 Hall, Betty B.
 Hunter, Bruce F.
 Johnson, Lionel W.
 King, John A.
 Lawrence, Norman B.
 Mason, Howard F.

Barry, Janet Gail
 Cote, David E.
 Dodge, Emma M.
 Drolet, Paul L.
 Elliott, Larry G.
 Foote, Herbert N., Sr.
 Gerow, Sezen M.
 Hanselman, Gregory L.
 Jasper, Shawn N.
 Keefe, Edmund M.
 Kurk, Neal M.
 Leclerc, Charles J.
 McRae, Karen

Brady, Carolyn L.
 Cox, Gladys M.
 Domaingue, Jacquelyn
 Dyer, Merton S.
 Fields, Dennis H.
 Frank, Nancy G.
 Green, Scott E.
 Hultgren, David D.
 Jenkins, Mary
 Kelley, Robert N.
 Lachut, Ervin R.
 Lozeau, DonnaLee
 Morrisette, Roland

Ouellette, Robert O.
 Paquette, Rodolphe G.
 Reidy, Frank J.
 Spaloss, Henry F.
 Upton, Barbara Allen
 Wihby, Linda S.

Packard, Bonnie B.
 Pepino, Leo P.
 Riley, Frances L.
 Stiles, Walter A.
 Vanderlosk, Stanley R.
 Wright, George W.

Pappas, Toni
 Perham, Lester R.
 Searles, Stanley N., Sr.
 Turgeon, Roland M.
 Wheeler, David K.
 Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
 Braiterman, Thea
 Fair, Patricia A.
 Holmes, Mary C.
 Provencal, Leo A.

Barberia, Richard A.
 Carter, Susan D.
 Hall, Douglas E.
 Jacobson, Alf E.
 Shaw, Randall F.

Boucher, Laurent J.
 Dunn, Miriam
 Hayes, Robert C.
 Johnson, C. William
 Stio, Peter M.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Lewis W.
 Cote, Patricia L.
 Fesh, Robert M.
 Gourdeau, Raymond H.
 Katsakiores, George N.
 MacKinnon, Nancy W.
 Palazzo, Frank J., Sr.
 Seward, Russell G.
 Warburton, Calvin

Bell, Juanita
 Campbell, Eunice M.
 Drake, Herbert R.
 Flanagan, Natalie S.
 Hoar, John, Jr.
 Klemarczyk, Thaddeus E.
 McCarthy, John James, Jr.
 Raynowska, Bernard J.
 Sherburne, John L.
 Welch, David A.

Brown, Jeffrey M.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Ford, Bert H.
 Kane, Cecelia D.
 MacDonald, Joseph A.
 McKinney, Betsy
 Roulston, Donald L.
 Splaine, John E., Sr.
 Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Anita A.
 Kinney, Paula J.
 McCann, William H., Jr.
 Spencer, Leo J.
 Vincent, Francis C.

Bernard, Mary E.
 Callaghan, Robert J.
 Flynn, Edward J.
 Lachance, Douglas
 Merrill, Amanda
 Sullivan, Henry P.
 Wall, Janet G.

Bickford, Drucilla
 Dionne, Albert J.
 Gilmore, Gary
 Marston, Robert E.
 O'Brien, John
 Tsiros, William
 Young, John B.

SULLIVAN

Burling, Peter Hoe
 Krueger, Richard H.
 and the report lost.

Domini, Irene C.
 Middleton, John A.,

Flint, Gordon B.

Reps. Daneault, Weddle and Hinrichsen wished to be recorded against the report.

CONFERENCE COMMITTEE DISCHARGED REQUESTS NEW CONFERENCE

Rep. Salatiello moved that the House discharge the committee of conference on HB 1182, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations and request a new committee of conference and to direct the House conferees not to accept the gas tax increase section of the report.

Adopted.

The Speaker appointed Reps. Phelps, Shaw, Guay and Salatiello.

CONFERENCE COMMITTEE DISCHARGED REQUESTS NEW CONFERENCE

Rep. Gross moved that the House discharge the committee of conference on SB 343, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Beverly Gage, Dunn and Channing Brown.

HB 1231-FN, relative to the 10-year state highway plan and the governor's advisory commission on highways. (Report printed SJ 20, 4/19/90)

Rep. Phelps yielded to questions.

Report adopted.

HB 1250-FN, relative to employees of the dog and horse racing industry. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1289-FN, relative to DWI offenses. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1347-FN-A, relative to quality assurance records of community mental health programs. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1367-A, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building. (Report printed SJ 20, 4/19/90)

Rep. Hayes spoke against the report.

Rep. Matson spoke in favor of the report.

Rep. Hager requested a quorum count.

The Speaker declared a quorum present.

Rep. Hager spoke against the report and yielded to questions.

Rep. Phelps spoke in favor of the report and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 81

NAYS 216

**YEAS 81
BELKNAP**

Hardy, Earle D.

CARROLL

Chandler, Gene G.

MacDonald, Kenneth J.

Powers, Gerard E., Jr.

CHESHIRE

Cole, Stacey W.

Gordon, Irvin H.

Matson, William R.

Sawyer, Alfred P.

COOS

Burns, Harold W.
Kilbride, Dennis J.
Nelson, Harold D.

Guay, Lawrence J.
Lemire, George

Horton, Lynn C.
Marsh, Beaton

GRAFTON

Bean, Pamela B.
LaMott, Paul I.
Weymouth, Philip H.

Driscoll, William J.
Stewart, Roger
Whitcomb, Henry F., Jr.

Guest, Robert H.
Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.
Desrosiers, William J.
Haettenschwiller, A. A.
Lefebvre, Roland J.
Smith, Leonard A.

Brady, Carolyn L.
Emerton, Lawrence
Holden, Carol H.
McCann, Bonnie Lou
Wihby, Linda S.

Cote, David E.
Gagnon, Gabrielle V.
Keefe, Edmund M.
Robinson, Ellen-Ann

MERRIMACK

Gross, Caroline L.
Phelps, James D.

Lewis, Mary Ann
Whittemore, James A.

Lockwood, Robert A.

ROCKINGHAM

Blanchard, MaryAnn N.
Felch, Charles H., Sr.
Gourdeau, Raymond H.
Johnson, Robert A.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McGovern, Cynthia A.
Seward, Russell G.
Sochalski, Matthew M.
Weddle, Michael Rodney

Campbell, Marilyn R.
Flanders, Harry E.
Greene, Elizabeth A.
King, Roger C.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Simon, Peter M.
Splaine, John E., Sr.

Conroy, Janet M.
Gage, Thomas U.
Hollingworth, Beverly A.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McCain, William F.
Parsons, Robert F.
Skinner, Patricia M.
Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Foss, Patricia H.

Flynn, Anita A.
Sullivan, Henry P.

Flynn, Edward J.
Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
Rodeschin, Beverly T.

Hinrichsen, Keith
Schotanus, Merle W.

Peyron, Fredrik

NAYS 216**BELKNAP**

Campbell, Richard H., Jr.
Rosen, Ralph J.
Vogler, Charles C.

Golden, Paul A.
Salatiello, Thomas
Ziegra, Alice S.

Pearson, Ralph W.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.

Daly, Robert J., Jr.
Saunders, Howard N.

Dodge, Arthur G., Jr.

CHESHIRE

Cole, Kenneth A.
Grodin, Richard A.

Crutchley, Donald O.
Hill, Douglas E.

Delano, Robert F.
LaMar, David M.

Laurent, John J.
Pearson, Gertrude B.
Spear, Susan

Metzger, Katherine H.
Perry, David M.
Young, David A.

Morse, Jo-Ann T.
Pierce, David A.

COOS

Brungot, Catherine V.
Oleson, Otto H.

Dumont, Robert E.
Theriault, Romeo J.

Merrill, Gerald

GRAFTON

Adams, Carl S.
Brown, Channing T.
Copenhaver, Marion L.
Nordgren, Sharon
Teschner, Douglass P.

Arnesen, Deborah L.
Chambers, Mary P.
Densmore, Edward D.
Rose, William B.
Ward, Kathleen W.

Bennett, Shirley M.
Christy, C. Dana
Larson, Nils H., Jr.
Scanlan, David M.
White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Bicknell, Robert C.
Cox, Gladys M.
Domaingue, Jacquelyn
Drolet, Paul L.
Dyer, Merton S.
Flood, Jacqueline J.
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Hultgren, David D.
Jean, Romeo W.
Kelley, Robert N.
Kurk, Neal M.
Lawrence, Norman B.
McNerney, Daniel P.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Pappas, Toni
Perham, Lester R.
Riley, Frances L.
Spaloss, Henry F.
Turgeon, Roland M.
Vanderlosk, Stanley R.
Young, Willard N.

Amidon, Eleanor H.
Barry, Janet Gail
Bourque, Ann J.
Daigle, Robert Arthur
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Foote, Herbert N., Sr.
Gerow, Sezen M.
Grip, Robert H.
Hanselman, Gregory L.
Hunter, Bruce F.
Jenkins, Mary
King, John A.
Lachut, Ervin R.
Leclerc, Charles J.
McRae, Karen
Morrissette, Roland
Ouellette, Robert O.
Paquette, Rodolphe G.
Pignatelli, Debora B.
Sallada, Roland A.
Stiles, Walter A.
Tyree, Paul M.
Wheeler, David K.

Andrews, Frederick B.
Barry, Vivian
Burkush, Peter
Dodge, Emma M.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.
Ford, Nancy M.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Jasper, Shawn N.
Johnson, Lionel W.
Knight, Alice Tirrell
Lawrence, Eva M.
Lozeau, Donnalee
Messier, Irene M.
Murphy, Robert E.
Packard, Bonnie B.
Pepino, Leo P.
Reidy, Frank J.
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Upton, Barbara Allen
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Braiterman, Thea
Dunn, Miriam
Gilbreth, Robert M.
Hayes, Robert C.
Jacobson, Alf E.

Asplund, Bronwyn L.
Bennett, J. Allen
Carter, Susan D.
Fair, Patricia A.
Hager, Elizabeth
Hill, Michael
Johnson, C. William

Barberia, Richard A.
Boucher, Laurent J.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.

Millard, Elizabeth S.
Provencal, Leo A.
Stio, Peter M.
Wallner, Mary Jane

Nichols, Avis B.
Shaw, Randall F.
Teague, Bert
West, George M.

Pantzer, Eugene
Soldati, Jennifer
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Ford, Bert H.
Hoar, John, Jr.
MacKinnon, Nancy W.
Palazzo, Frank J., Sr.
Roulston, Donald L.
Sytek, Donna
Weyler, Kenneth L.

Bell, Juanita
Brown, Lewis W.
Cote, Patricia L.
Fesh, Robert M.
Gage, Beverly A.
Kane, Cecelia D.
McCarthy, John James, Jr.
Raynowska, Bernard J.
Senter, Marilyn P.
Vaughn, Charles L.

Benton, Richardson D.
Campbell, Eunice M.
Drake, Herbert R.
Flanders, John W., Sr.
Haynes, Richard L.
Katsakiores, George N.
McKinney, Betsy
Ritzo, Eugene
Sherburne, John L.
Welch, David A.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Frechette, Roland A.
Marston, Robert E.
Merrill, Amanda
Pelley, Janet R.
Stewart, Glenn W.
Wall, Janet G.

Bickford, Drucilla
Callaghan, Robert J.
Kinney, Paula J.
Martling, W. Kent
O'Brien, John
Scharff, Thomas Edward
Swope, Warren L.
Wheeler, Katherine Wells

Brown, Julie M.
Dionne, Albert J.
Lachance, Douglas
McCann, William H., Jr.
Parks, Joe B.
Spencer, Leo J.
Tsiros, William
Young, John B.

SULLIVAN

Burling, Peter Hoe
Krueger, Richard H.
and the report lost.

Domini, Irene C.
Middleton, John A.

Flint, Gordon B.
Stamatakis, Carol M.,

SENATE MESSAGE

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

SB 343, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system, and request a new committee of conference.

The President appointed Sens. Dupont, Blaisdell and Delahunty.

SUSPENSION OF RULES

Rep. Gross moved that the rules be so far suspended as to permit consideration of a committee of conference report signed after the deadline and spoke to her motion.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 343-FN

The committee of conference to which was referred Senate Bill 343-FN, An Act providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Supplemental Allowance; Group II.

(a) As of January 1, 1991, all group II permanent policemen beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1991, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of up to 5 percent as provided in section 3 of this act. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

(b) As of January 1, 1991, all group II permanent firemen beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1990, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of up to 5 percent as provided in section 3 of this act. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

Amend the bill by replacing section 4 with the following:

4 Funding of Special Account for Additional Benefits. RSA 100-A:16, II(h) is repealed and reenacted to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be subdivided into 4 components representing the 4 retirement system member classifications. Beginning with the fiscal year ending June 30, 1990, the amount credited annually to the special account shall be determined as follows:

(1) Each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(2) All of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the trustees shall be allocated to the 4 member classifications.

(3) For each member classification for which the funded ratio equals or exceeds 125 percent, the entire amount allocated in subparagraph (2) shall be credited to that component of the special account.

(4) For each member classification for which the funded ratio is less than 125 percent, 1/2 of the amount allocated in subparagraph (h)(2) shall be credited to that component of the special account and the other half shall be held in a special reserve, which shall be recognized in the determination of the funded ratio, until the funded ratio for that member classification reaches 125 percent. Any excess of the amount allocated over the amount needed to bring the funded ratio to 125 percent shall be credited to that component of the special account and not to the special reserve.

(5) None of the assets held in the special account or in the special reserve shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d).

(6) When the funded ratio for any member classification reaches 140 percent, any part of that component of the special reserve, with accumulated earnings thereon at the actuarially-assumed rate, which is in excess of the amount needed to achieve a 140 percent funded ratio, shall be transferred to that component of the special account.

(7) The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the respective components of the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph.

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-A:41-a, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the retirement system.

Amend the bill by replacing all after section 5 with the following:

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 30, 1990.

AMENDED ANALYSIS

This bill provides a cost of living adjustment for group II New Hampshire retirement system beneficiaries which is effective on January 1, 1991, of up to 5 percent. The cost of living adjustment applies to permanent policemen who retired on or before January 1, 1991, and applies to permanent firemen who retired on or before January 1, 1990. The additional allowance becomes a permanent addition to the beneficiary's base retirement allowance.

Funding for the additional allowance comes from the police and fire components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

The amount of the additional allowance is a multiple of 1/4 percent, not to exceed 5 percent, and depends on the amount available in each component of the special account.

The bill amends the retirement system special account for funding purposes and for the purpose of dividing the account into 4 components based upon the 4 retirement system member classifications.

Conferees on the Part of the Senate:

Sen. Dupont, Dist. 6; Sen. Blaisdell, Dist. 10; Sen. Delahunty, Dist. 22.

Conferees on the Part of the House:

Rep. MacDonald, Carr. 6; Rep. Gage, Rock. 20; Rep. Dunn, Merr. 21; Rep. Brown, Graf. 13.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 57-FN

The committee of conference to which was referred Senate Bill 57-FN, An Act relative to mandatory waste reduction and recycling for state agencies having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 21-I:60, II as inserted by section 3 of the bill by replacing it with the following:

II. Funds accruing to the liquor commission from the sale of corrugated boxes shall be exempt from the provisions of paragraph I. The liquor commission shall report quarterly to the director, division of plant and property management, on the use

of such funds in its recycling program. Excess funds generated by the recycling program of the liquor commission which are not used by June 30 of each year shall lapse to the fund established in RSA 21-I:60, I.

Amend the bill by replacing section 4 with the following:

4 Recycling Bottom Ash. Amend 1989, 119:1 to read as follows:

119:1 Recycling Bottom Ash; Report. The department of environmental services shall issue a report and recommendations regarding the technology of recycling bottom ash and possible state uses of recycled bottom ash from waste to energy facilities. The department shall review existing studies, including the University of New Hampshire's recycling research, and shall consult with the university regarding its recommendations. The department shall issue its report and recommendations to the legislature by January 1, 1991. The report shall include a recommendation as to the acceptability of bottom ash as an environmentally safe product in recycled form, a list of proposed state uses including use as aggregate for construction, and specific methodologies including retrofitting of existing facilities for generation of recyclable products, including metals. If feasible, the report shall recommend technical standards and procedures for new facility construction which shall facilitate and implement recycling of bottom ash. [The department shall not examine studies of presently operating waste to energy incineration facilities.]

5 Resource Recovery Removed. Amend RSA 149-M:22, III to read as follows:

III. Weight reduction under this section may include removal of recyclable materials, composting, [resource recovery,] any other method approved by the division of waste management, or any combination of such methods. Refuse or any solid waste resulting from such reduction methods shall not be subject to further weight reduction pursuant to this section.

6 Definition Revised. RSA 149-M:1, XI-a is repealed and reenacted to read as follows:

XI-a. "Out-of-state solid waste" means solid waste generated or originating outside the borders of the state, including solid waste generated or originating from communities participating in cooperative agreements authorized by RSA 53-D.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of administrative services to establish a waste reduction and recycling program with specific guidelines for all state agencies, facilities, and employees. Each state agency shall be assessed and provided with guidelines for a mandatory recycling program. This bill exempts the liquor commission from the requirements established in this bill.

Any funds generated from this program shall be deposited in a special fund within the office of the state treasurer to be used to offset the costs of implementing this program.

The bill requires the department of environmental services to include an examination of presently operating waste to energy incineration facilities in its report on recycling bottom ash required pursuant to 1989, 119:1.

The bill also changes the definition of out-of-state solid waste.

Conferees on the Part of the Senate:

Sen. Bond, Dist. 1; Sen. Bass, Dist. 11; Sen. St. Jean, Dist. 20.

Conferees on the Part of the House:

Rep. Millard, Merr. 4; Rep. Tarpley, Hills. 9; Rep. Popov, Rock. 12; Rep. Weymouth, Graf. 2.

Rep. Millard spoke against the report.

Report lost.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1441-FN, relative to medicaid fraud. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1503-FN, relative to certain general fund fees and revenues and certification of wastewater treatment plant operators. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 731, dedicating the state police barracks in Milford. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1344, relative to least cost planning by electric utilities. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1353-FN, relative to the oversight committee on health and human services. (Report printed SJ 20, 4/19/90)

Report adopted.

CONFERENCE COMMITTEE DISCHARGED REQUESTS NEW CONFERENCE

Rep. West moved that the House discharge the committee of conference on HB 1367-A, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building and request a new committee of conference and to direct the House conferees not to accept the section appropriating funds for a new state office building in Concord, and spoke to his motion.

Rep. Gross spoke in favor of the motion.

Adopted.

The Speaker appointed Reps. West, Hayes, Hager and Matson.

SENATE MESSAGES
REFUSES TO ACCEDE TO REQUEST
FOR NEW COMMITTEE OF CONFERENCE

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations.

The President appointed Sens. Dupont, Torr and Blaisdell.

(Deputy Speaker Burns in the Chair)

REMOVED FROM THE TABLE

Rep. Sytek moved that HB 1203-FN-A, to tax all tobacco products, be removed from the table.

A roll call was called for. Sufficiently seconded.

YEAS 204

NAYS 99

YEAS 204
BELKNAP

Campbell, Richard H., Jr.
 Maviglio, Steven R.
 Rosen, Ralph J.
 Ziegra, Alice S.

Golden, Paul A.
 Pearson, Ralph W.
 Salatiello, Thomas

Hardy, Earle D.
 Randall, Kenneth A.
 Vogler, Charles C.

CARROLL

Chandler, Gene G.
 Powers, Gerard E., Jr.

Daly, Robert J., Jr.

Foster, Robert W.

CHESHIRE

Cole, Stacey W.
 Grodin, Richard A.
 Matson, William R.
 Sawyer, Alfred P.

Crutchley, Donald O.
 LaMar, David M.
 Metzger, Katherine H.
 Spear, Susan

Delano, Robert F.
 Laurent, John J.
 Pearson, Gertrude B.

COOS

Brungot, Catherine V.
 Marsh, Beaton

Dumont, Robert E.
 Theriault, Romeo J.

Guay, Lawrence J.

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Copenhaver, Marion L.
 Hill, Richard L.
 Rose, William B.
 Townsend, Howard C.
 Weymouth, Philip H.

Arnesen, Deborah L.
 Brown, Channing T.
 Densmore, Edward D.
 Larson, Nils H., Jr.
 Scanlan, David M.
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Bean, Pamela B.
 Chambers, Mary P.
 Guest, Robert H.
 Nordgren, Sharon
 Teschner, Douglass P.
 Ward, Kathleen W.
 White, Paul R.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet Gail
 Bowers, Dorothy C.
 Cox, Gladys M.
 Donovan, Francis X.

Amidon, Eleanor H.
 Barry, Vivian
 Brady, Carolyn L.
 Desrosiers, William J.
 Drabinowicz, A. Theresa

Andrews, Frederick B.
 Bourque, Ann J.
 Burkush, Peter
 Dodge, Emma M.
 Drolet, Paul L.

Dube, Ellen C.
 Emerton, Lawrence
 Ford, Nancy M.
 Green, Scott E.
 Haettenschwiller, A. A.
 Hultgren, David D.
 Keefe, Edmund M.
 Lachut, Ervin R.
 McCann, Bonnie Lou
 McRae, Karen
 Pappas, Toni
 Pignatelli, Debora B.
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

Dyer, Merton S.
 Fields, Dennis H.
 Frank, Nancy G.
 Grip, Robert H.
 Hanselman, Gregory L.
 Jasper, Shawn N.
 King, John A.
 Lefebvre, Roland J.
 McDowell, James E.
 Moore, Elizabeth A.
 Paquette, Rodolphe G.
 Robinson, Ellen-Ann
 Smith, Leonard A.
 Turgeon, Roland M.
 Wihby, Linda S.

Dykstra, Leona
 Flood, Jacqueline J.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Holden, Carol H.
 Jenkins, Mary
 Knight, Alice Tirrell
 Lozeau, Donnalee
 McNerney, Daniel P.
 Murphy, Robert E.
 Perham, Lester R.
 Sallada, Roland A.
 Stiles, Walter A.
 Upton, Barbara Allen

MERRIMACK

Anderson, Eleanor M.
 Braiterman, Thea
 Dunn, Miriam
 Gilbreth, Robert M.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Pantzer, Eugene
 Stio, Peter M.
 Whittemore, James A.

Bardsley, Elizabeth S.
 Carter, Susan D.
 Fair, Patricia A.
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Shaw, Randall F.
 Wallner, Mary Jane

Bennett, J. Allen
 Daneault, Gabriel
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Nichols, Avis B.
 Soldati, Jennifer
 West, George M.

ROCKINGHAM

Bell, Juanita
 Brown, Lewis W.
 Conroy, Janet M.
 Flanagan, Natalie S.
 Gourdeau, Raymond H.
 Hollingworth, Beverly A.
 King, Roger C.
 MacDonald, Maurice B.
 McGovern, Cynthia A.
 Roulston, Donald L.
 Splaine, John E., Sr.
 Wells, Henry E.

Benton, Richardson D.
 Campbell, Eunice M.
 Cote, Patricia L.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 Micklon, Stephanie K.
 Senter, Merilyn P.
 Sytek, Donna

Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Dube, LeRoy S.
 Gage, Thomas U.
 Hoar, John, Jr.
 Kane, Cecelia D.
 Lovejoy, Virginia K.
 McCarthy, John James, Jr.
 Ritzo, Eugene
 Sherburne, John L.
 Warburton, Calvin

STRAFFORD

Bernard, Mary E.
 Burton, Wayne M.
 Gilmore, Gary
 Martling, W. Kent
 Parks, Joe B.
 Spencer, Leo J.
 Wall, Janet G.

Bickford, Drucilla
 Foss, Patricia H.
 Kinney, Paula J.
 McCann, William H., Jr.
 Pelley, Janet R.
 Stewart, Glenn W.
 Wheeler, Katherine Wells

Brown, Julie M.
 Frechette, Roland A.
 Marston, Robert E.
 Merrill, Amanda
 Scharff, Thomas Edward
 Sullivan, Henry P.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 Krueger, Richard H.
 Schotanus, Merle W.

Burling, Peter Hoe
 Harland, Jane A.
 Peyron, Fredrik
 Stamatakis, Carol M.

Domini, Irene C.
 Hinrichsen, Keith
 Rodeschin, Beverly T.

**NAYS 99
BELKNAP**

Bolduc, Dennis R.

Turner, Robert H.

CARROLL

Allard, Nanci A.
 Saunders, Howard N.

Dodge, Arthur G., Jr.

MacDonald, Kenneth J.

CHESHIRE

Barber, Robert E., Jr.
 Hill, Douglas E.
 Pierce, David A.

Cole, Kenneth A.
 Morse, Jo-Ann T.

Gordon, Irvin H.
 Perry, David M.

COOS

Horton, Lynn C.
 Merrill, Gerald

Kilbride, Dennis J.
 Nelson, Harold D.

Lemire, George
 Oleson, Otto H.

GRAFTON

Christy, C. Dana
 Stewart, Roger

Dow, David

Driscoll, William J.

HILLSBOROUGH

Alukonis, David J.
 Daigle, Robert Arthur
 Elliott, Larry G.
 Gerow, Sezen M.
 Hunter, Bruce F.
 Kelley, Robert N.
 Lawrence, Norman B.
 Morrisette, Roland
 Pepino, Leo P.
 Spaloss, Henry F.
 Wright, George W.

Baldizar, Barbara J.
 Domaingue, Jacquelyn
 Foote, Herbert N., Sr.
 Hall, Betty B.
 Jean, Romeo W.
 Kurk, Neal M.
 Leclerc, Charles J.
 O'Rourke, JoAnne A.
 Reidy, Frank J.
 Tyree, Paul M.
 Young, Willard N.

Cote, David E.
 Dwyer, Patricia R.
 Gagnon, Gabrielle V.
 Healy, Daniel J.
 Johnson, Lionel W.
 Lawrence, Eva M.
 Messier, Irene M.
 Ouellette, Robert O.
 Riley, Frances L.
 Wheeler, David K.

MERRIMACK

Barberia, Richard A.
 Provencal, Leo A.

Boucher, Laurent J.
 Teague, Bert

Johnson, C. William
 Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
 Drake, Herbert R.
 Flanders, Harry E.
 Haynes, Richard L.
 MacDonald, Joseph A.
 McCain, William F.
 Parsons, Robert F.
 Simon, Peter M.
 Weddle, Michael Rodney

Brown, Jeffrey M.
 Felch, Charles H., Sr.
 Ford, Bert H.
 Katsakiores, George N.
 Magoon, Harold F.
 McKinney, Betsy
 Raynowska, Bernard J.
 Sochalski, Matthew M.
 Welch, David A.

Chase, Lawrence A., Jr.
 Fesh, Robert M.
 Gage, Beverly A.
 Klemm, Arthur P., Jr.
 Malcolm, Kenneth W.
 Palazzo, Frank J., Sr.
 Seward, Russell G.
 Vaughn, Charles L.
 Weyler, Kenneth L.

STRAFFORD

Appleby, James E.
Flynn, Anita A.
O'Brien, John
Vincent, Francis C.

Callaghan, Robert J.
Flynn, Edward J.
Swope, Warren L.

Dionne, Albert J.
Lachance, Douglas
Tsiros, William

SULLIVAN

Middleton, John A.,

and HB 1203-FN-A was removed from the table.

Rep. Gross abstained from voting under Rule 16.

The question now being Rep. Lefebvre's pending motion of 1/25/90 to substitute Ought To Pass for the Committee Report of Inexpedient To Legislate.

Rep. Sytek moved to limit speakers to two from each side.

Reps. Jacobson and Lachance spoke against the motion.

(Speaker in the Chair)

On a division vote, 117 members having voted in the affirmative and 179 in the negative, the motion lost.

SUSPENSION OF RULES

Rep. Gross moved that House and Joint Rules be so far suspended as to permit transmittal of HB 1203-FN-A to the Senate after the deadline.

Reps. Simon, Ouellette, Lemire, Riley, Wheeler, Lawrence, Welch and Kelley spoke against the motion.

Reps. Thomas Gage and Hager spoke in favor of the motion and yielded to questions.

Reps. Martling and Desrosiers spoke in favor of the motion.

A roll call was called for. Sufficiently seconded.

YEAS 181**NAYS 121****YEAS 181****BELKNAP**

Campbell, Richard H., Jr.
Maviglio, Steven R.
Ziegra, Alice S.

Golden, Paul A.
Rosen, Ralph J.

Hardy, Earle D.
Vogler, Charles C.

CARROLL

Chandler, Gene G.
Powers, Gerard E., Jr.

Dodge, Arthur G., Jr.

Foster, Robert W.

CHESHIRE

Cole, Stacey W.
Foster, Katherine Davis
Matson, William R.
Pearson, Gertrude B.

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Sawyer, Alfred P.

Delano, Robert F.
LaMar, David M.
Morse, Jo-Ann T.
Spear, Susan

COOS

Dumont, Robert E.
Theriault, Romeo J.

Marsh, Beaton

Nelson, Harold D.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.

Arnesen, Deborah L.
Brown, Channing T.
Densmore, Edward D.

Bean, Pamela B.
Chambers, Mary P.
Guest, Robert H.

Hill, Richard L.
Rose, William B.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Larson, Nils H., Jr.
Teschner, Douglass P.
Ward, Kathleen W.

Nordgren, Sharon
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Amidon, Eleanor H.
Barry, Janet Gail
Bourque, Ann J.
Daigle, Robert Arthur
Drolet, Paul L.
Dykstra, Leona
Ford, Nancy M.
Green, Scott E.
Haettenschwiller, A. A.
Hultgren, David D.
Jenkins, Mary
Lachut, Ervin R.
McCann, Bonnie Lou
McRae, Karen
Pappas, Toni
Pignatelli, Debora B.
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Andrews, Frederick B.
Barry, Vivian
Burkush, Peter
Donovan, Francis X.
Dube, Ellen C.
Fields, Dennis H.
Frank, Nancy G.
Grip, Robert H.
Hanselman, Gregory L.
Jasper, Shawn N.
Keefe, Edmund M.
Lefebvre, Roland J.
McDowell, James E.
Moore, Elizabeth A.
Paquette, Rodolphe G.
Robinson, Ellen-Ann
Smith, Leonard A.
Turgeon, Roland M.
Wihby, Linda S.

Baldizar, Barbara J.
Bicknell, Robert C.
Cote, David E.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Flood, Jacqueline J.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jean, Romeo W.
Knight, Alice Tirrell
Lozeau, Donnalee
McNerney, Daniel P.
Murphy, Robert E.
Perham, Lester R.
Sallada, Roland A.
Stiles, Walter A.
Upton, Barbara Allen

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Fair, Patricia A.
Hager, Elizabeth
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Provencal, Leo A.
Whittemore, James A.

Bardsley, Elizabeth S.
Carter, Susan D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Wallner, Mary Jane

Bennett, J. Allen
Dunn, Miriam
Gilbreth, Robert M.
Hayes, Robert C.
Jacobson, Alf E.
Lockwood, Robert A.
Pantzer, Eugene
West, George M.

ROCKINGHAM

Bell, Juanita
Brown, Lewis W.
Gage, Thomas U.
Hoar, John, Jr.
Klemarczyk, Thaddeus E.
MacKinnon, Nancy W.
Micklon, Stephanie K.
Sherburne, John L.
Sytek, Donna

Benton, Richardson D.
Campbell, Marilyn R.
Gourdeau, Raymond H.
Johnson, Robert A.
Lovejoy, Virginia K.
McCain, William F.
Ritzo, Eugene
Skinner, Patricia M.
Warburton, Calvin

Blanchard, MaryAnn N.
Conroy, Janet M.
Greene, Elizabeth A.
Kane, Cecelia D.
MacDonald, Maurice B.
McCarthy, John James, Jr.
Senter, Marilyn P.
Splaine, John E., Sr.
Wells, Henry E.

STRAFFORD

Bernard, Mary E.
Foss, Patricia H.
Marston, Robert E.

Bickford, Drucilla
Gilmore, Gary
Martling, W. Kent

Burton, Wayne M.
Kinney, Paula J.
McCann, William H., Jr.

Merrill, Amanda
 Spencer, Leo J.
 Wheeler, Katherine Wells

Parks, Joe B.
 Stewart, Glenn W.
 Young, John B.

Scharff, Thomas Edward
 Wall, Janet G.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 Krueger, Richard H.
 Stamatakis, Carol M.

Burling, Peter Hoe
 Harland, Jane A.
 Rodeschin, Beverly T.

Domini, Irene C.
 Hinrichsen, Keith
 Schotanus, Merle W.

NAYS 121

BELKNAP

Bolduc, Dennis R.
 Turner, Robert H.

Pearson, Ralph W.

Randall, Kenneth A.

CARROLL

Allard, Nanci A.
 Saunders, Howard N.

Daly, Robert J., Jr.

MacDonald, Kenneth J.

CHESHIRE

Barber, Robert E., Jr.
 Hill, Douglas E.
 Pierce, David A.

Cole, Kenneth A.
 Laurent, John J.

Gordon, Irvin H.
 Perry, David M.

COOS

Brungot, Catherine V.
 Kilbride, Dennis J.
 Oleson, Otto H.

Burns, Harold W.
 Lemire, George

Horton, Lynn C.
 Merrill, Gerald

GRAFTON

Christy, C. Dana
 LaMott, Paul I.
 White, Paul R.

Dow, David
 Scanlan, David M.

Driscoll, William J.
 Stewart, Roger

HILLSBOROUGH

Ahrens, Frederick G.
 Brady, Carolyn L.
 Dodge, Emma M.
 Elliott, Larry G.
 Gagnon, Gabrielle V.
 Healy, Daniel J.
 Kelley, Robert N.
 Lawrence, Eva M.
 Messier, Irene M.
 Ouellette, Robert O.
 Reidy, Frank J.
 Tyree, Paul M.
 Young, Willard N.

Alukonis, David J.
 Cox, Gladys M.
 Domaingue, Jacquelyn
 Emerton, Lawrence
 Gerow, Sezen M.
 Hunter, Bruce F.
 King, John A.
 Lawrence, Norman B.
 Morrisette, Roland
 Packard, Bonnie B.
 Riley, Frances L.
 Wheeler, David K.

Bowers, Dorothy C.
 Desrosiers, William J.
 Dyer, Merton S.
 Foote, Herbert N., Sr.
 Hall, Betty B.
 Johnson, Lionel W.
 Kurk, Neal M.
 Leclerc, Charles J.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Spaloss, Henry F.
 Wright, George W.

MERRIMACK

Barberia, Richard A.
 Soldati, Jennifer
 Trombly, Rick A.

Daneault, Gabriel
 Stio, Peter M.

Johnson, C. William
 Teague, Bert

ROCKINGHAM

| | | |
|-------------------------|------------------------|------------------------|
| Anderson, Carl F., III | Brown, Jeffrey M. | Campbell, Eunice M. |
| Chase, Lawrence A., Jr. | Cote, Patricia L. | Drake, Herbert R. |
| Dube, LeRoy S. | Felch, Charles H., Sr. | Fesh, Robert M. |
| Flanagan, Natalie S. | Flanders, Harry E. | Flanders, John W., Sr. |
| Ford, Bert H. | Gage, Beverly A. | Haynes, Richard L. |
| Katsakiores, George N. | King, Roger C. | Klemm, Arthur P., Jr. |
| MacDonald, Joseph A. | Magoon, Harold F. | Malcolm, Kenneth W. |
| McGovern, Cynthia A. | McKinney, Betsy | Palazzo, Frank J., Sr. |
| Parsons, Robert F. | Raynowska, Bernard J. | Seward, Russell G. |
| Simon, Peter M. | Sochalski, Matthew M. | Vaughn, Charles L. |
| Weddle, Michael Rodney | Welch, David A. | Weyler, Kenneth L. |

STRAFFORD

| | | |
|---------------------|------------------|----------------------|
| Appleby, James E. | Brown, Julie M. | Callaghan, Robert J. |
| Dionne, Albert J. | Flynn, Anita A. | Flynn, Edward J. |
| Lachance, Douglas | O'Brien, John | Pelley, Janet R. |
| Sullivan, Henry P. | Swope, Warren L. | Tsiros, William |
| Vincent, Francis C. | | |

SULLIVAN

Middleton, John A. Peyron, Fredrik.,
and the motion lost lacking the necessary two-thirds.
Rep. Gross abstained from voting under Rule 16.

Rep. Thomas Gage moved that HB 1203-FN-A be Referred for Interim Study.

On a division vote, 152 members having voted in the affirmative and 109 in the negative, the bill was Referred for Interim Study.

SENATE MESSAGE**REFUSES TO ACCEDE TO REQUEST
FOR NEW COMMITTEE OF CONFERENCE**

HB 1367, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building.

ENROLLED BILLS AMENDMENTS

HB 670-FN, relative to public accommodation of physically handicapped persons.

Amendment

Amend the bill by replacing section 4 with the following:

4 Contingency Provision. If HB 1200-FN, "An act to change the name of the governor's commission for the handicapped," becomes law, the term "physically handicapped" shall be changed to "physically disabled" in section 1 of this act.

5 Effective Date. This act shall take effect July 1, 1990.

Adopted.

HB 716, to codify certain boating and water safety rules.

Amendment

Amend the bill by replacing paragraph X of section 2 of the bill with the following:

X. Saf-C 404.24, riding on gunwales, bow, and transom.

Adopted.

HB 1151-FN, requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.

Amendment

Amend the bill by replacing section 9 with the following:

9 Contingency. If HB 1379-FN, "An act relative to notice given to affected municipalities concerning effluent discharges," becomes law, RSA 485-A:2, XVII as inserted by section 3 of this act shall be renumbered to RSA 485-A:2, XVI-a and RSA 485-A:6, XI-a as inserted by section 5 of this act shall be renumbered to RSA 485-A:6, XI-b.

10 Effective Date.

I. Sections 8 and 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members.

Amendment

Amend section 6 of the bill by replacing lines 2-4 with the following:

its passage.

II. Section 5 of this act shall take effect upon its passage.

III. Section 3 and 4 of this act shall take effect as provided in section 5 of this act.
Adopted.

HB 1218-FN, relative to defense and indemnification of bail commissioners.

Amendment

Amend the bill by replacing section 2 with the following:

2 Bail Commissioners; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority[, or directors, officers and employees of the New Hampshire energy authority] seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of

such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

3 Provision in 1990, 70:2 Not to Take Effect. 1990, 70:2 shall be null and void and of no effect.

4 Effective Date.

I. Section 2 of this act shall take effect January 30, 1991.

II. The remainder of this bill shall take effect upon its passage.

Adopted.

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees.

Amendment

Amend section 4 of the bill by inserting after paragraph II the following new paragraph:

III. Section 3 of this act shall take effect upon its passage.

Adopted.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, relative to the participation of certain organizations in the New Hampshire retirement system, and relative to the city of Berlin retirement system.

Amendment

Amend 1989, 403:4, II as inserted by section 3 of the bill by replacing line 3 with the following:

than January 1, 1991, and recommend proposed legislation for the 1991

Adopted.

JOINT CONVENTION

(Speaker presiding)

Sen. Bartlett addressed the House as follows:

Thank you very much and I'm glad it didn't take a vote to allow me to speak this afternoon. I'd really ask you to not let a day make a lifetime. It has been very difficult

this afternoon and all day long. But, this is crunch time. This is the time that we do a lot of things that we don't normally do. Well, not very often. But, it is a time when we accomplish an awful lot in a very short period of time.

I appreciate so many of you staying here. A few of our Senators have had to leave. But, I appreciate seeing so many in the House still here because we have a couple of things I think we need to get together. I'm not trying to lobby you on any piece of legislation. You are going to vote the way you think is right.

But, there comes a time when each body must sit down and find out how each can work with the other one and put together something that is a compromise. We are going forward with that. That wasn't my prepared speech because about three hours ago, I had planned on my schedule to come in and tell you that I loved you all and I was going to see you next year.

Almost four years ago, when Doug and I first came into office and we finished our first session, I came forth and thanked the members of the House for their cooperation and support. At that time, I indicated we were going into a new era, one in which the House and the Senate worked together, respected each other and still maintained their independence.

I believe over the last four years that we have accomplished that. When we worked hard, the beneficiaries were our constituents, ourselves and our state. I wish to thank you all for maintaining the spirit of cooperation for all these four years.

As Doug told you, I've indicated to the Senate that I don't plan to seek reelection. Doug, you know where you are headed. Until recently, Lee and I knew where we were going. We had our future very well planned out. However, recent events have rekindled my curiosity about what I might do in the future.

I'm going to cut half of my speech out and talk about the important part. If you ask me if I will miss the Senate and everything that goes on in these halls, I'm going to tell you "yes." Will I regret the decision? I don't believe that I will.

Political life has been very good to me. Very few people in this country can say that they sat in the Oval Office with our President and Chief of Staff, and discussed drives with them on a first-name basis in the countryside of New Hampshire.

When I leave this building, I will take with me some very fond memories of all of you who I've worked with and the people who have preceded us. I hope that I've made friendships and accomplished things. This will make me never question my decisions.

The decision was made two years ago. I discussed it with my family. I came up here originally for five but you all knew you couldn't trust me to stay here for nine.

I've always said as I come up I-93 that I will know when it's time not to come to Concord. That time would be when the gold dome — those of you that travel I-93 come up just before you hit exit 13 — you see that dome up there. It's always sent just a nice feeling through my body to just be part of our state. I just wanted to let you know although I'm leaving the state, that dome is still there. It still stands for everything we want it to. It still looks big to me. I thank you again for all you have done for me.

Speaker Scamman addressed the House as follows:

Our work today brings us to the end of the last official day of the 1990 legislative session. Barring any surprises, today marks the last day this year we will gather in this hall to conduct legislative business. It also marks my last scheduled day as Speaker of the House.

I'd like to take a few moments before I step down from this podium to reflect on all we accomplished this session, and on the good work that the Legislature has done in the 22 years that I have been a member here.

Twenty-two years — nearly a quarter of a century. It isn't easy to sum up two decades in words. It isn't easy to find the words to thank the many people who have made my legislative career possible. And it isn't easy to find the words to say goodbye to the wonderful, capable people I've worked with. I respect and admire you as colleagues, but more importantly, I have come to regard so many of you as good and great friends, in fact most of you as good and great friends. When you have 400 members, there are a few who you don't get to know very well.

I think that we have accomplished a lot in my four years as Speaker. I've tried to create a productive, efficient environment for us to work in and I think I have succeeded. I think some of you might say after today, you are not sure. But, every time you get to the end of the session, we do have our scurrying around. Our emotions do rise and sometimes overtake the thought process that should be guiding us.

I have worked hard to foster a spirit of cooperation within the House and among all the branches of government. My door has always been open and I think that's helped us establish a good working relationship with all. I'm very proud of the lack of rancor we've enjoyed in the House. I'm also proud of my peacekeeping efforts outside the House which were sometimes quite a challenge.

My father always told me that people elect you to go forward and work with whom-ever the other people elect. You don't choose with whom you work. Quite frankly, that is something that has driven me through all these years in my effort to try to work with all the people that are elected here. It certainly, I think, is a basis by which I've been able to keep peace and keep the rancor down.

I've approached my job as Speaker the way Stella and I approach our job as the parents of four children — although I'm not making a personal comparison here. We always set very high expectations for our children and gave them a lot to strive for. If you set low expectations for your children, very seldom do they exceed it. We feel that the other way is the reason we've been very successful as parents.

I brought that same philosophy to the House. I've expected a lot out of all of you as individuals and as a group. I'm proud to say that this House and the Senate together has repeatedly risen to my highest expectations and I thank you all for that.

You haven't always taken the shortest path between the two points. In fact, some of you have taken some funny roads to reach the point where you finally ended up. I think the most direct way is always the best way and when possible that's how future legislators should try to do it. But I don't think differences in style ever held us back too much in our final goal of accomplishment.

We've faced so many challenges in these 22 years and in this session. This year we made the best of a very difficult budget situation. We passed legislation that will help New Hampshire take full advantage of the opportunities at Pease, besides the budget. We have also passed workers' compensation legislation that will make an important system work better in the state of New Hampshire. As we end the session, I think we can all be proud of a job well done.

New Hampshire's lawmakers carry on a unique tradition. As members of the third largest legislature in the world, you are true representatives and leaders in your communities. You're close to your constituents; close to the pulse of your community. That's reflected in the laws we pass and in our legislative process. The reason we in New Hampshire were able to pass a balanced budget this year is because of our

unique structure. The number one goal of every legislator here is not to get reelected. Many of us want to when we run; we all want to when we run. But our number-one goal is to do the job that has to be done. That's why we were the first to pass the balanced budget.

I'm proud of the access our constituents have to the legislative process, and their legislators. A good legislator must always have an open door and an open mind — open to new information and open to compromise, except on matters of principle.

I don't think everyone in this state understands or appreciates how unique our legislature is. Where else can you find a group of politicians who haven't given themselves a raise in more than a century? Where else can you find 400 people in one body willing to give so much of their time and effort for so little personal gain? You're a great group of people and it's been an honor to work with all of you and I include the Senate in that also.

I owe thanks to so many people who made my 22 years here happy and productive — too many people to thank them all individually.

I owe a lot of gratitude to my family. Number one, to Stella, who is sitting in the balcony, who put up with all of this for 22 years and she is willing to put up with more. To my children who have always been a source of pride and support for me. To my parents who backed me up 100 percent.

My father taught me, through his fine example, to be a good representative, a good Speaker, a good father and a good person. I thank him very much for that.

I want to thank the House leadership: Harold Burns, Caroline Gross, Ann Torr, Elsie Vartanian, Jim Phelps and all our chairmen and vice chairmen. They've done an excellent job for us. I wish everyone would give them a round of applause because they deserve it.

I also want to thank my own staff: Dick Amidon, Ann Wallace and Lori Platt. They have been great for me. They have been great for this institution. They have been an integral part of my administration. Thank you.

The dedication and the hard work of the entire leadership staff team meant a great deal to me. I don't think anybody could have had a better staff than we have up in the leadership's office. To everyone up there, I want to thank them all. I really appreciate all the work they have done for us, most of them for four years and some of them for two years.

I also want to thank all the legislative support staff: our excellent clerk and assistant clerk, our vigilant sergeant-at-arms who isn't here today and all of his staff and their staff. I want to thank them all and I would ask the House to thank them for the great work they have done for us in the past biennium.

I would like to say, Warren Leary is not here. We missed in not announcing on Tuesday that Warren became the grandfather of his first grandson on Monday and that was Warren IV. You can give him a hand for that even though he is not here.

I want to thank our research staff and our clerical staff. The commitment they bring to their jobs has made this job much easier for me and every member of this House and of this Legislature. They all deserve a great round of applause because certainly the expanded committee staff has meant a great deal for the legislative process.

I will miss working with all of you. I know I'll be seeing you again, but we won't be working side-by-side as we have, and I'll miss that.

I'm also going to miss this beautiful, old State House. It has a personality all its own. After a quarter of a century — and actually a lot longer than that because most

of you have heard me say I can remember being here in short pants — I'm going to miss it very much not being here on a regular basis.

I'm even going to miss this old gavel here. I guess I can pound on the breakfast table to get Stella's attention, but that's going to be a poor substitute.

I'm even going to miss some of the members of the press, I think, who I've worked with throughout all the years. Although I think some of them will follow me wherever I go.

In closing, I'd like to say that it's been a wonderful 22 years. I'm leaving it behind because I think I should use the experience I've gained as a representative and as a Speaker in another office, to do as I always have, to do what I think is best for my nation, my state and my local community. I hope when I make the final decision and announcement that the voters will agree with what I have decided to do.

Abraham Lincoln said, "Anyone who shares in the privileges of government should share its burden." That's a commitment we've all made and one we can and should be very proud of.

I wish all of you health and happiness and the best of luck in everything you choose to do.

Good-bye.

Rep. Gross moved that the remarks of Sen. Bartlett and Speaker Scamman be printed in the Journal.

Adopted.

COMMITTEE OF CONFERENCE REPORT

HB 1229, relative to organizational and personnel changes within the department of corrections. (Report printed SJ 20, 4/19/90)

Report adopted.

CONFERENCE COMMITTEE DISCHARGED REQUESTS NEW CONFERENCE

Rep. Gross moved that the House discharge the committee of conference on HB 1304, establishing a committee to study mobile health care units and making certain appropriations, (Report printed SJ 20, 4/19/90), and request a new committee of conference and spoke to her motion.

Adopted.

The Speaker appointed Reps. Sochalski, Copenhaver, Jasper and Hager.

Offered by the House of Representatives:

HOUSE RESOLUTION NO. 67

honoring Representative Edward Densmore of Franconia

WHEREAS, a gentleman is defined as one of gentle and refined manner; a well-bred man of character and fine feelings, and

WHEREAS, in the collective opinion of his family, his friends, and his colleagues, Edward Densmore, known affectionately to all as Ned, is a man who epitomizes that definition, and

WHEREAS, for the four bienniums between 1983 and 1990, Ned Densmore has distinguished himself as an honorable member of the New Hampshire House of Representatives, serving with diligence on the Standing Committees on Appropriations, Constitutional and Statutory Revision, Rules, State-Federal Relations and Ways and Means, and

WHEREAS, in 1975, Ned Densmore opened the Village Bookstore in Littleton, New Hampshire and in the ensuing fifteen years has distinguished himself as a learned booksmith, articulate in the business ways of the book world, and

WHEREAS, Ned Densmore has been honored by the U.S. Small Business Administration by being named New Hampshire's 1990 Small Business Person of the Years, and

WHEREAS, Ned Densmore, on receiving this high honor, was described as a man of commitment to his customers, his employees and the community and the Village Bookstore was cited as a shining example of one of the State's finest small businesses, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Ned Densmore be lauded and granted highest accolades for his outstanding business achievements, and be it further

RESOLVED, that Ned Densmore be saluted for his recent honor in being named New Hampshire Small Businessman of the Year, and that a suitable copy of this Resolution be prepared for presentation to him.

Rep. Chambers spoke in favor of the resolution.

Adopted.

UNANIMOUS CONSENT

Rep. Lefebvre addressed the House.

Rep. Benton moved that the remarks of Rep. Lefebvre be printed in the Journal.

Adopted.

Thank you, Mr. Speaker. Thank you for your expressions of what you thought of us. Hopefully, I think this is the feeling of most of the members in this House. When I got home Tuesday night, I had a hard time explaining to my wife what all that fur was on my jacket, but we got over that all right.

Last night while cleaning out my junk drawer, she was coming up with a handful of my little treasures. I said, "What are you throwing away there?" She said, "Just this old stuff." Among them on top of it was this little button that was handed to me some years ago. I said, "No, not that." She said, "Well, you told me that he's leaving." I said, "Yes, but he hasn't left just yet."

So, with this button in hand, I started to write what I thought I felt and what I thought, perhaps, a lot of you feel. It goes like this:

To Doug Scamman, Speaker 1990

Yes, we will remember that young man we knew,
as he arrived, how few he really knew,
as like his green fields, golden hay, we grew.

Became a part of our life, and solidified we knew,
his joys, heartbreaks, like yours, so well he drew,
the absolute best from your hearts, and please to do.

Superbly kindled our hearts, of old and new.

Sadly now we soon part, unlike shattered crystal when strewn,
bonded us together in this life, love us he knew.

From all our hearts, to your heart, Doug,
our love to you.

Thank you.

Reps. Teague, Douglas Hall and Kidder addressed the House on a proposed House Resolution.

SUSPENSION OF RULES

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration of the second Committee of Conference report on HB 1182, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations.

Adopted by the necessary two-thirds.

The question being, adoption of the second committee of conference report on HB 1182. (Second report printed SJ 20, 4/19/90).

Reps. Phelps and Gross spoke in favor of the report and yielded to questions.

Reps. Kidder and Chambers spoke in favor of the report.

Reps. Hager and Hayes spoke against the report.

A roll call was called for. Sufficiently seconded.

YEAS 173

NAYS 134

YEAS 173 BELKNAP

Bolduc, Dennis R.
Maviglio, Steven R.
Salatiello, Thomas
Ziegra, Alice S.

Campbell, Richard H., Jr.
Pearson, Ralph W.
Turner, Robert H.

Hardy, Earle D.
Randall, Kenneth A.
Vogler, Charles C.

CARROLL

Chandler, Gene G.
MacDonald, Kenneth J.

Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Foster, Robert W.

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine Davis
Matson, William R.
Spear, Susan

Cole, Stacey W.
Gordon, Irvin H.
Metzger, Katherine H.

Crutchley, Donald O.
Grodin, Richard A.
Perry, David M.

COOS

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald
Theriault, Romeo J.

Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Christy, C. Dana
Guest, Robert H.
Stewart, Roger
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Densmore, Edward D.
Hill, Richard L.
Wadsworth, Karen O.

Chambers, Mary P.
Driscoll, William J.
Larson, Nils H., Jr.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Cote, David E.
Donovan, Francis X.
Dwyer, Patricia R.

Alukonis, David J.
Bourque, Ann J.
Daigle, Robert Arthur
Drabinowicz, A. Theresa
Dyer, Merton S.

Amidon, Eleanor H.
Burkush, Peter
Desrosiers, William J.
Dubé, Ellen C.
Emerton, Lawrence

Fields, Dennis H.
Gureckis, Adam C., Sr.
Jean, Romeo W.
Kelley, Robert N.
McCann, Bonnie Lou
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Searles, Stanley N., Sr.

Green, Scott E.
Haettenschwiller, A. A.
Johnson, Lionel W.
King, John A.
McDowell, James E.
Morrissette, Roland
Pappas, Toni
Reidy, Frank J.
Tarpley, Nancy L.

Grip, Robert H.
Healy, Daniel J.
Keefe, Edmund M.
Knight, Alice Tirrell
McNerney, Daniel P.
Murphy, Robert E.
Perham, Lester R.
Robinson, Ellen-Ann
Turgeon, Roland M.

MERRIMACK

Anderson, Eleanor M.
Gross, Caroline L.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.

Bardsley, Elizabeth S.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.

Fraser, Leo W., Jr.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene

ROCKINGHAM

Bell, Juanita
Boucher, William Paul
Chase, Lawrence A., Sr.
Flanagan, Natalie S.
Gage, Beverly A.
Haynes, Richard L.
Klemarczyk, Thaddeus E.
MacDonald, Joseph A.
Malcolm, Kenneth W.
Ritzo, Eugene
Simon, Peter M.
Splaine, John E., Sr.
Weddle, Michael Rodney
Weyler, Kenneth L.

Benton, Richardson D.
Brown, Lewis W.
Conroy, Janet M.
Flanders, Harry E.
Gage, Thomas U.
Johnson, Robert A.
Klemm, Arthur P., Jr.
MacDonald, Maurice B.
McCain, William F.
Senter, Marilyn P.
Skinner, Patricia M.
Sytek, Donna
Welch, David A.

Blanchard, MaryAnn N.
Campbell, Marilyn R.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
King, Roger C.
Lovejoy, Virginia K.
Magoon, Harold F.
McGovern, Cynthia A.
Seward, Russell G.
Sochalski, Matthew M.
Vaughn, Charles L.
Wells, Henry E.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Parks, Joe B.
Torr, Ann M.
Wheeler, Katherine Wells

Bernard, Mary E.
Burton, Wayne M.
Flynn, Edward J.
Kinney, Paula J.
McCann, William H., Jr.
Pelley, Janet R.
Tsiros, William

Bickford, Drucilla
Callaghan, Robert J.
Foss, Patricia H.
Lachance, Douglas
Merrill, Amanda
Scharff, Thomas Edward
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Peyron, Fredrik

Hinrichsen, Keith
Rodeschin, Beverly T.

Krueger, Richard H.
Schotanus, Merle W.

NAYS 134

BELKNAP

Golden, Paul A.

Rosen, Ralph J.

CARROLL

Allard, Nanci A.

Daly, Robert J., Jr.

Saunders, Howard N.

CHESHIRE

Cole, Kenneth A.
LaMar, David M.
Pearson, Gertrude B.

Delano, Robert F.
Laurent, John J.
Pierce, David A.

Hill, Douglas E.
Morse, Jo-Ann T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.

GRAFTON

Adams, Carl S.
Copenhaver, Marion L.
Nordgren, Sharon
Teschner, Douglass P.
White, Paul R.

Bennett, Shirley M.
Dow, David
Rose, William B.
Townsend, Howard C.

Brown, Channing T.
LaMott, Paul I.
Scanlan, David M.
Ward, Kathleen W.

HILLSBOROUGH

Andrews, Frederick B.
Bicknell, Robert C.
Cox, Gladys M.
Drolet, Paul L.
Flood, Jacqueline J.
Frank, Nancy G.
Hall, Betty B.
Hultgren, David D.
Jenkins, Mary
Lawrence, Eva M.
Lefebvre, Roland J.
Messier, Irene M.
Paquette, Rodolphe G.
Sallada, Roland A.
Stiles, Walter A.
Vanderlosk, Stanley R.
Wright, George W.

Barry, Janet Gail
Bowers, Dorothy C.
Dodge, Emma M.
Dykstra, Leona
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.
Hanselman, Gregory L.
Hunter, Bruce F.
Kurk, Neal M.
Lawrence, Norman B.
Lozeau, Donnalee
Ouellette, Robert O.
Pepino, Leo P.
Smith, Leonard A.
Tyree, Paul M.
Wheeler, David K.
Young, Willard N.

Barry, Vivian
Brady, Carolyn L.
Domaingue, Jacquelyn
Elliott, Larry G.
Ford, Nancy M.
Goulet, Maurice E.
Holden, Carol H.
Jasper, Shawn N.
Lachut, Ervin R.
Leclerc, Charles J.
McRae, Karen
Packard, Bonnie B.
Riley, Frances L.
Spaloss, Henry F.
Upton, Barbara Allen
Wihby, Linda S.

MERRIMACK

Barberia, Richard A.
Braiterman, Thea
Dunn, Miriam
Hall, Douglas E.
Jacobson, Alf E.
Stio, Peter M.
Wallner, Mary Jane

Bennett, J. Allen
Carter, Susan D.
Gilbreth, Robert M.
Hayes, Robert C.
Provencal, Leo A.
Teague, Bert
West, George M.

Boucher, Laurent J.
Daneault, Gabriel
Hager, Elizabeth
Hill, Michael
Soldati, Jennifer
Trombly, Rick A.
Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III
Drake, Herbert R.
Ford, Bert H.
Kane, Cecelia D.
McCarthy, John James, Jr.
Palazzo, Frank J., Sr.
Roulston, Donald L.

Brown, Jeffrey M.
Dube, LeRoy S.
Gourdeau, Raymond H.
Katsakiores, George N.
McKinney, Betsy
Parsons, Robert F.
Sherburne, John L.

Cote, Patricia L.
Fesh, Robert M.
Hoar, John, Jr.
MacKinnon, Nancy W.
Micklon, Stephanie K.
Raynowska, Bernard J.
Warburton, Calvin

STRAFFORD

Dionne, Albert J.
O'Brien, John
Sullivan, Henry P.
Young, John B.

Gilmore, Gary
Spencer, Leo J.
Swope, Warren L.

Marston, Robert E.
Stewart, Glenn W.
Wall, Janet G.

SULLIVAN

Burling, Peter Hoe
Middleton, John A.,

Domini, Irene C.

Flint, Gordon B.

and the committee of conference report was adopted.

SENATE MESSAGE**ACCEDES TO REQUEST FOR NEW COMMITTEE OF CONFERENCE**

HB 1304, establishing a committee to study mobile health care units and making certain appropriations.

The President appointed Sens. Krasker, McLane and Hough.

COMMITTEE OF CONFERENCE REPORT

HB 1304, establishing a committee to study mobile health care units and making certain appropriations. (Second report printed SJ 20, 4/19/90)

TABLE

Rep. Jacobson moved that HB 1304 be laid on the table.

Adopted.

COMMITTEE OF CONFERENCE REPORTS

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor. (Report printed SJ 20, 4/19/90)

Report adopted.

HB 1225-FN-A, to define "retired state employee" for state employee group insurance purposes. (Report printed SJ 20, 4/19/90)

Report adopted.

REMOVED FROM THE TABLE

Rep. Gross moved that HB 1304, establishing a committee to study mobile health care units and making certain appropriations, be removed from the table.

Adopted.

The question being the adoption of the second Committee of Conference report on HB 1304, establishing a committee to study mobile health care units and making certain appropriations.

Rep. Gross spoke in favor of the report.

Adopted.

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENT**

HB 1506, relative to state employee layoffs. (Amendment printed SJ 20, 4/19/90)

Rep. Gross moved that the House concur.

Rep. Ward spoke against the motion.

Rep. Sytek spoke to the motion and yielded to questions.

On a division vote, 182 members having voted in the affirmative and 122 members in the negative, the House concurred in the Senate amendment.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bills Amendments and Reports and when the House meets next it be Thursday, May 3 should veto messages make such a session necessary.

Adopted.

The House recessed at 12:20 a.m.

RECESS

(Rep. Arnesen in the Chair)

ENROLLED BILLS AMENDMENTS

SB 340-FN-A, establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 Contingency.

I. If HB 1200-FN, "An Act to change the name of the governor's commission for the handicapped," becomes law, all references to "handicapped" in RSA 186-C:23-26 as inserted by section 1 of this act shall be replaced with "disabled".

II. If HB 139-FN-A, "An act relative to creditable service for teachers who job share, to mediation of special education disputes, to individualized education plans and making an appropriation therefor, establishing a study committee and making certain supplemental appropriations," becomes law, RSA sections 186-C:23-26 shall be renumbered as RSA sections 25-28 and the internal references to RSA sections 186-C:23-26 shall be changed to reflect such renumbering.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

SB 351-FN, relative to the Pease Air Force Base development authority and making an appropriation therefor.

Amendment

Amend paragraph III of section 4 of the bill by replacing line 7 with the following: carry on any other business of the authority prior to June 1, 1990.

Amend the bill by replacing all after section 10 with the following:

11 Bail Commissioners; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers and employees of the New Hampshire energy authority, *or directors, officers, and employees of the Pease development authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting

within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

12 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, *or directors, officers, and employees of the Pease development authority* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of

such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

13 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority[, or directors, officers and employees of the New Hampshire energy authority], **or directors, officers, and employees of the Pease development authority** seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or

personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

14 Contingency.

I. If HB 1218-FN, "An act relative to defense and indemnification of bail commissioners," does not become law, section 2 of this act shall take effect upon its passage, section 13 of this act shall take effect January 30, 1991 at 12:01 a.m., and section 11 and 12 of this act shall not take effect.

II. If HB 1218-FN becomes law, section 11 of this act shall take effect upon its passage, section 12 of this act shall take effect January 30, 1991 at 12:01 a.m., and section 2 and 13 of this act shall not take effect.

15 Effective Date.

I. Sections 4, 8 and 14 of this act shall take effect upon its passage.

II. Sections 2 and 11-13 shall take effect as provided in section 14 of this act.

III. The remainder of this act shall take effect June 1, 1990.

Adopted.

SB 328. restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

Amendment

Amend the bill by replacing section 4 with the following:

4 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 270 which inserts any new section into the chapter becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

5 Effective Date. This act shall take effect upon its passage.

Adopted.

HB 139-FN-A, relative to creditable service for teachers who job share, and relative to mediation of special education disputes and to individualized education plans and making an appropriation therefor.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to creditable service for teachers who job share, mediation of special education disputes, individualized education plans and making an appropriation therefor, establishing a study committee, and making certain supplemental appropriations.

Amend the bill by replacing section 10 with the following:

10 Contingency. If HB 1200-FN, "An Act to change the name of the governor's commission for the handicapped," becomes law, all references to "handicapped" in this act shall be replaced with "disabled".

11 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1990.

Adopted.

HB 1405-FN-A, relative to sludge and septage management programs and making an appropriation therefor and relative to the oil discharge and disposal cleanup fund.

Amendment

Amend RSA 146-D:3, III as inserted by section 20 of the bill by replacing line 8 with the following:

RSA 146-D:5, may waive all or any portion of such penalties, for good

Amend the bill by replacing all after section 21 with the following:

22 Contingency. If HB 1219, "An Act relative to the oil discharge and disposal cleanup fund," becomes law, RSA 146-D:5, I(e) as inserted by section 21 of this act shall be renumbered as RSA 146-D:5, I(f).

23 Effective Date. This act shall take effect upon its passage.

Adopted.

HB 1432-FN, relative to the New Hampshire rivers management and protection program.

Amendment

Amend the bill by replacing lines 2-3 of section 24 with the following:

after section 12-a the following new section:

483:12-b Subject to Other Laws. Any activities permitted under this

Amend the bill by inserting after section 24 the following and renumbering the original section 25 to read as 26.

25 Renumbering Contingency. If HB 442-FN-A, "An Act relative to establishing a lakes management and protection program," becomes law, RSA 483:14 as inserted by section 15 of this act shall be renumbered to RSA 483:15.

Adopted.

HB 1438, relative to the goals and objectives for reduction of solid waste.

Amendment

Amend RSA 149-M:1-a, V as inserted by section 1 of the bill by replacing line 6 with the following:

under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties

Adopted.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system and relative to supplemental allowances to retirement system members.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

Adopted.

HB 1174-FN-A, relative to laws regarding children and minors.

Amendment

Amend the bill by deleting section 15 and renumbering sections 16-22 to read as 15-21, respectively.

Adopted.

HB 1129-FN-A, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to a town annexation procedure, relative to the waste management council and relative to toxics in packaging.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to the waste management council, and relative to toxics in packaging.

Amend section 1 of the bill by replacing line 1 with the following:

1 Purpose. The purpose of section 1-3 of this act is to authorize the department of

Amend the introductory paragraph of RSA 149-M:26, III as inserted by section 10 of the bill by replacing lines 2 and 3 with the following:

and hexavalent chromium incidentally present in any package or packaging component shall not exceed the following:

Amend the bill by replacing paragraph I of section 11 with the following:

I. Section 4 of this act shall take effect January 1, 1991.

Adopted.

HB 1354-FN, relative to boat registrations.

Amendment

Amend RSA 270-D:6 as inserted by section 1 of the bill by replacing line 2 with the following:

register under RSA 270-D:3, vessels owned or operated by the state or any

Amend RSA 72-A:3, I as inserted by section 4 of the bill by replacing lines 3 and 4 with the following:

Length Motor New 1yr old 2yr old 3yr old 4yr old
in feet or older

Amend RSA 72-A:5, II as inserted by section 6 of the bill by replacing line 2 with the following:

vehicles] *department of safety*, the [division] *department* shall [each month] *at*

Amend paragraph VI of section 13 of the bill by replacing line 2 with the following: certificate of inspection suspension, registrations, and plates.

Amend section 18 of the bill by replacing line 2 with the following:

Amend RSA 21-P:14, II by inserting after subparagraph (z) the following new

Amend the bill by replacing section 25 with the following and renumbering the original section 25 to read as 26:

25 Contingent Provisions.

I. If HB 716 of the 1990 legislative session, "An Act to codify certain boating and water safety rules," becomes law, then RSA 270-D as inserted by section 1 of this act, and all references to provisions of RSA 270-D made within this act, shall be changed to RSA 270-E.

II. If HB 1258-FN of the 1990 legislative session, "An Act establishing a New Hampshire clean lakes program," becomes law, then section 23 of this act shall not take effect and RSA 270-D:5, II(a) as inserted by section 1 of this act shall be replaced by the following:

(a) \$.50 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

Adopted.

HB 1304-FN, establishing a committee to study mobile health care units, making certain appropriations, relative to possession of drugs while driving, and transferring funds within the board of nurses registration.

Amendment

Amend section 4 of the bill by replacing line 2 with the following:
of this act shall be made within 15 days of the effective date of this section.

Amend section 13 of the bill by replacing line 2 with the following:
shall be transferred from class line 10, personal services-permanent, to
Adopted.

HB 149-FN, relative to operational permits for public water systems, relative to classified positions in the division of water supply and pollution control, and creating a new PAU.

Amendment

Amend the bill by replacing all after section 6 with the following:

7 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 5 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the

senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

8 Effective Date. This act shall take effect July 1, 1990.

Adopted.

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, increasing the gasoline tax, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, requiring progress and status reports from the department of transportation, and altering the effective dates of certain fee increases.

Amendment

This amendment corrects the title of the bill. The amendment also corrects 3 technical errors in session law references and renumbers an RSA paragraph.

Amend the title of the bill by replacing it with the following:

AN ACT

relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property and class AA dams.

Amend line 3 of section 5 of the bill by replacing it with the following:
economic development in 1987, 399:1, IX, J as amended by 1988, 224:24 for

Amend line 3 of section 11 of the bill by replacing it with the following:
amended by 1983, 423:17, 1986, 211:18 and 1989, 367:27, II(j) for the

Amend line 1 of section 18 of the bill by replacing it with the following:
18 Appropriations; Department of Transportation. Amend 1989, 367:1, XII, A

Amend the bill by replacing lines 2-4 of section 25 with the following:

Amend RSA 482-A:3 by inserting after paragraph IX the following new paragraph:

X. The wetlands board may enter into a memorandum of agreement

Adopted.

HB 409-FN, relative to licensing professional foresters.

Amendment

Amend paragraph I of section 8 of the bill by replacing it with the following:

I. RSA 310-A:100 and RSA 310-A:102 as inserted by section 5 of this act shall take effect upon its passage.

Adopted.

HB 430-FN, relative to certification for real estate appraisers and making an appropriation therefor.

Amendment

Amend RSA 310-B:2, IX as inserted by section 3 of the bill by replacing line 1 with the following:

IX. "Federally-related transaction" means any transaction which:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 2 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

Adopted.

HB 756-FN, relative to cluster development and multi-family dwellings.

Amendment

Amend the bill by replacing section 2 with the following:

2 Contingency. If HB 1046, "An Act relative to the declaration of purpose for the planning and zoning laws," becomes law, RSA 672:1, III-d as inserted by section 1 of this act shall be renumbered to RSA 672:1, III-e.

3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

HB 731, rededicating the state police barracks in Epping.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a state police barracks honor roll.

Amend section 1 of the bill by replacing lines 2-3 with the following:

RSA 106-B by inserting after section 18 the following new section:

106-B:18-a State Police Barracks Honor Roll; Committee.

Amend RSA 106-B:18-a, I as inserted by section 1 of the bill by replacing line 6 with the following:

individual, organization, or a group of individuals to the committee

Adopted.

HB 1083, establishing speed limits for the operation of OHRVs and increasing OHRV registration fees.

Amendment

Amend RSA 215-A:6, III(a) as inserted by section 3 of the bill by replacing line 2 with the following:

reasonable and prudent under the existing conditions and *without* regard for

Amend RSA 215-A:23, V(a) as inserted by section 7 of the bill by replacing line 24 with the following:

account and shall be used and appropriated solely for this purpose.

Adopted.

HB 1162-A, relative to abandoning and disposing of rail properties, relative to the railroad banking program and making an appropriation therefor, and relative to suspension and revocation of licenses for certain motor vehicle offenses and creating a supplemental fund.

Amendment

Amend section 4 of the bill by replacing line 8 with the following:

appropriate funds as provided in section 10 for the purchase of abandoned railroad rights-of-way and

Amend section 7 of the bill by replacing lines 1-4 with the following:

7 Registration Fee; New Fund. Amend RSA 261:141 by inserting after paragraph IX the following new paragraph:

X. Whenever a registration has been suspended, a fee of \$25 shall be paid for the restoration of such registration. Such fee shall be in addition to the fee required under RSA 263:42, V. This \$25 shall be placed in

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 15:

13 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 5 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

14 Contingency; Change in Term. If HB 1289-FN, "An Act relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system," becomes law, references to "alcohol education program" in section 12 of this act shall be changed to "impaired driver education program."

Adopted.

HB 1506-FN, relative to state employee layoffs, classified state employees, the rulemaking authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.

Amendment

Amend the bill by replacing all after section 13 with the following:

14 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 11 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the

senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

15 Effective Date.

I. Section 3 of this act shall take effect July 1, 1990.

II. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

III. The remainder of this act shall take effect upon its passage.

Adopted.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton and limiting the horsepower of petroleum-powered motors on Lake Katherine in the town of Piermont.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to operation of seaplanes and helicopters in emergencies.

Adopted.

HB 1020, relative to motors and horsepower on Lake Katherine in the town of Piermont.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 270 which inserts any new section into the chapter becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

HB 1097, relative to legalizing actions taken at town and school district meetings and to the collection of the town portion of taxes in the town of Hooksett.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

legalizing actions taken at town, school district and district meetings
and relative to the collection of the town portion of
taxes in the town of Hooksett.

Adopted.

HB 1229-FN, relative to the department of corrections, the parole board, court-ordered commitments, the liquor commission, and making an appropriation to the department of labor.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the department of corrections, the liquor commission,
the pari-mutuel commission, and making an appropriation
to the department of labor.

Adopted.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

Amendment

Amend RSA 540-A:4, VII(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) An order prohibiting the defendant from continuing the

Adopted.

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies.

Amendment

Amend RSA 170-E:34, I as inserted by section 8 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) The release of information to persons receiving the child which pertains to the life and safety of the child either about to be placed or already in placement, and which may pertain to the life and safety of the persons who are receiving or who have received the child for placement. For purposes of this subparagraph, placement shall mean out-of-home placements, including placements for adoption.

Amend the bill by inserting after section 15 the following and renumbering section 16 to read as 17:

16 Contingency. If HB 1200-FN, "An Act to change the name of the governor's commission for the handicapped," becomes law, all references to "handicapped" in sections 1-11 of this act shall be replaced with "disabled".

Adopted.

SB 353-FN, requiring state agencies to purchase recycled paper products.

Amendment

Amend the bill by replacing section 5 with the following:

5 Contingency; Renumbering. If HB 1151-FN, "An act requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.," becomes law, RSA 6:12, I(gg) as inserted by section 3 of this act shall be renumbered to RSA 6:12, I(hh). If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

6 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

RECESS

(Rep. David Welch in the Chair)

HB 1406-FN, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

Amendment

Amend the bill by replacing all after section 15 with the following:

16 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 15 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

17 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 1990.

II. Sections 14 and 15 of this act shall take effect April 1, 1990.

III. The remainder of this act shall take effect upon its passage.

Adopted.

SB 320-FN, relative to court-ordered commitments and to suspended sentences.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to court-ordered commitments, suspended sentences,
and senior assistant attorneys general.

Adopted.

ENROLLED BILLS REPORT

HB 139, relative to creditable service for teachers who job share, mediation of special education disputes, individualized education plans and making an appropriation therefor, establishing a study committee, and making certain supplemental appropriations.

HB 1020, relative to motors and horsepower on Lake Katherine in the town of Piermont.

HB 1405, relative to sludge and septage management programs and making an appropriation therefor and relative to the oil discharge and disposal cleanup fund.

HB 1409, relative to workers' compensation and making and appropriation therefor.

HB 1410, relative to recodifying the liquor laws and standarizing licensing and fee requirements.

HB 1432, relative to the New Hampshire rivers management and protection program.

HB 1438, relative to the goals and objectives for reduction of solid waste.

SB 351, relative to the Pease Air Force Base development authority and making an appropriation therefor.

HB 1174, relative to laws regarding children and minors.

HB 1304, establishing a committee to study mobile health care units, making certain appropriations, relative to possession of drugs while driving, and transferring funds within the board of nurses registration.

HB 1354, relative to boat registrations.

SB 343, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

HB 149, relative to operational permits for public water systems, relative to classified positions in the division of water supply and pollution control, and creating a new PAU.

HB 1182, relative to expenditures by the public works bureau in excess of budget estimates; extending the lapse dates of certain appropriations, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property and class AA dams.

HB 1129, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to the waste management council, and relative to toxics in packaging.

HB 409, relative to licensing professional foresters.

HB 756, relative to cluster development and multi-family dwellings.

HB 731, relative to a state police barracks honor roll.

HB 430, relative to certification for real estate appraisers and making an appropriation therefor.

HB 1162, relative to abandoning and disposing of rail properties, relative to the railroad banking program and making an appropriation therefor, relative to suspension and revocation of licenses for certain motor vehicle offenses and creating a supplemental fund.

HB 1506, relative to state employee layoffs, classified state employees, the rule-making authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.

HB 1083, establishing speed limits for the operation of OHRVs and increasing OHRV registration fees.

RECESS

(Rep. Mary Ann Lewis in the Chair)

HB 723, regarding the acid rain control act.

HB 1057, relative to a fee for lucky 7 tickets.

HB 1060, establishing a committee to study medical injury compensation and discipline of physicians.

HB 1102, relative to Route 16 in Conway.

HB 1150, relative to the oil pollution control fund.

HB 1157, relative to capital murder.

HB 1178, relative to marital masters and making an appropriation therefor.

HB 1194, relative to liability of expenses for minors and children.

HB 1216, relative to depositions and videotape testimony.

HB 1234, relative to guardian's authority to admit to institutions.

HB 1343, establishing a study committee on private contract prison systems.

HB 1385, to make technical corrections in the retirement system laws and making an appropriation for the director of finance, and relative to eligibility for membership in the New Hampshire retirement system.

HB 1419, relative to the Monadnock advisory commission.

SB 309, establishing a New Hampshire heritage trail and making an appropriation therefor.

SB 319, relative to uniform principal and income act.

SB 346, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

SB 379, relative to indoor smoking.

HB 670, relative to public accommodation of physically handicapped persons.

HB 1026, relative to the definition of public access to public waters.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

HB 1107, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

HB 1114, relative to a study of care of the elderly and making an appropriation for meals on wheels, relative to the department of health and human services, and relative to certain food service establishments.

HB 1120, relative to notice of insurance cancellation.

HB 1151, requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.

HB 1195, relative to seasonal beverage permits and certain privileges of club members.

HB 1231, relative to the priority of projects on New Hampshire Routes 101 and 51.

HB 1250, relative to employees of the dog and horse racing industry.

HB 1256, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees.

HB 1301, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

HB 1344, relative to least cost planning by electric utilities.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate.

HB 1371, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

HB 1439, relative to the reimbursement to the state for certain services rendered at race tracks and unclaimed ticket money.

SB 377, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system.

SB 384, relative to medical examiners and making an appropriation therefor.

SB 397, relative to drug testing of drivers and adult pedestrians involved in fatal accidents or incurring serious bodily injury.

SB 398, relative to the east-west highway study.

HB 348, relative to damages from construction.

HB 363, relative to the issuing of trapping licenses.

HB 1046, relative to the declaration of purpose for the planning and zoning laws.

HB 1062, relative to record books kept by registers of deeds, and relative to the relinquishment of any rights of the state in certain real property owned by Winconia, Incorporated in Laconia, New Hampshire.

HB 1103, relative to the regional fuel tax agreement.

HB 1204, reinstating certain corporate charters.

HB 1228, relative to preparation of master jury lists by computer and a pilot program utilizing the driver's license list for the purpose of preparing master jury lists.

HB 1245, relative to the statute of limitations on prosecutions for sexual assault offenses against children.

SB 333, making a supplemental appropriation to aid the sensory impaired.

SB 373, relative to compulsory school attendance and to home education.

SB 374, establishing a study committee to examine probate court reporting requirements.

SB 378, making technical amendments to the liquor laws and relative to certain liquor and beverage license applications and qualifications.

SB 390, relative to laws regarding abuse and neglect of children.

HB 716, to codify certain boating and water safety rules.

HB 1015, relative to operation of seaplanes and helicopters in emergencies.

HB 1027, establishing a black bear management program and requiring a special bear license and relative to the rules regarding taking of marine species.

HB 1070, relative to the data processing and computer management study committee and making an appropriation therefor.

HB 1097, legalizing actions taken at town, school district and district meetings and relative to the collection of the town portion of taxes in the town of Hooksett.

HB 1218, relative to defense and indemnification of bail commissioners.

HB 1225, to define "retired state employee" for state employee group insurance purposes and relative to requests for reclassification or reallocation.

HB 1252, to establish a revolving fund for publications and training in the department of environmental services.

HB 1264, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

HB 1310, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, relative to the participation of certain organizations in the New Hampshire retirement system, and relative to the city of Berlin retirement system.

HB 1353, relative to the oversight committee on health and human services and relative to licensure of certain food service establishments.

HB 1406, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

HB 1418, relative to licensing of child day care, residential care, and child-placing agencies.

HB 1441, relative to medicaid fraud.

SB 320, relative to court-ordered commitments, suspended sentences, and senior assistant attorneys general.

SB 353, requiring state agencies to purchase recycled paper products.

SB 367, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits and making a supplemental appropriation to the New Hampshire retirement system.

HB 1229, relative to the department of corrections, the liquor commission, the pari-mutuel commission, and making an appropriation to the department of labor.

HB 1289, relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system.

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

SB 340, establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.

SB 359, relative to modifying planning board procedures on plats.

SB 361, relative to radon gas and lead paint.

SB 371, relative to disciplinary actions against and expiration and renewal of licenses for licensees of the barbering, cosmetology, and esthetics board and making an appropriation for sending out license renewal notices.

SB 391, relative to confidential communications between certain victims and counselors and relative to domestic violence.

Rep. Mary Ann Lewis, Sen. David P. Currier for the Committee

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 23

Thursday, May 3, 1990

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by the Reverend Nina Grey of the Keene Unitarian-Universalist Church, guest of Rep. LaMar.

Spirit of Life Eternal, God of Love and Justice, in these moments of silence we turn away from the activities which occupy our thoughts, and toward You, with receptive hearts and minds.

We pray only for Your guidance, and the strength to act with faithfulness to the best that we know.

On this final day of legislative service of this season, these women and men are called once again to be responsive. They are called to attend to the concerns of our communities and the people of New Hampshire whom they serve.

May the service which they render reflect the highest values of love and justice. May this service be given with a generous loving spirit.

O God, help us to respond with calm and loving hearts.

God of wisdom, help each one gathered here to listen for both inner and outer truths. Help each one to speak honestly of the truths they find; help each one to act on her or his convictions with compassion and with courage.

In the silence before renewed activity, may we all come to a deeper gratitude and acceptance of the divine love which touches each of us, and which binds us all, young and old, men and women, people of every race, every religion and every economic situation, all of us, no matter what our orientations or conditions, into one common humanity.

May the divinity which shines within every human soul and within all life, be a blessing, upon this day, this gathering and these people. May our words and actions, both here, and in their daily lives, bring us all closer to a world of peace with justice. Amen.

Rep. Richardson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Hoar, Nardi, Oleson, Pantzer, Soucy and Katherine Wheeler, the day, illness.

Reps. Alukonis, Blacketor, Eaton, Fillion, Douglas Hall, Hinrichsen, Jacobson, Malcolm, Remick, Shackett, Tufts and Woodburn the day, important business.

INTRODUCTION OF GUESTS

From Calvary Christian School in Plymouth, Bridget McKeever of Northfield, Moriah Thomson of Orford and Wayne Blackburn of Plymouth, guests of Rep. David Dow; Cathy Stevens, son Joe of Dunbarton and James Courtemanche of Suncook, guests of Rep. Miriam Dunn; Matt and Yvonne Percy of Hardwicke, Vermont, guests of Rep. Fields; Carry Stephens of Kensington, guest of Rep. Rosencrantz; former Rep. Wayne Spear, husband of Rep. Spear.

Offered by the House of Representatives:

HOUSE RESOLUTION NO. 68

memorializing Representative Patricia O. Sanderson of Portsmouth

WHEREAS, we have learned with great sorrow of the death of our legislative colleague, Patricia O. Sanderson, who was serving her third term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, for the three bienniums between 1985 and 1990, Patricia O. Sanderson, faithfully and with great devotion, did serve her constituents as a diligent member of the Standing Committees on Appropriations and Education, and

WHEREAS, having been blessed with an abundance of community spirit and the credentials of leadership, Patricia O. Sanderson served as President of the Portsmouth League of Women Voters, and

WHEREAS, Patricia O. Sanderson also served in the community as the Overseer and President of Strawberry Banke, Inc., Chairman of the Greater Portsmouth Community Foundation, and as a member of the Governor's Commission on Historic Wentworth, and

WHEREAS, Patricia O. Sanderson was a native of Missouri and a 1952 graduate of Kansas University, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Patricia O. Sanderson be granted highest praise and recognition for her dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Adopted.

Offered by the House of Representatives:

HOUSE RESOLUTION NO. 69

honoring Representative Elizabeth A. Greene of Rye

WHEREAS, in the New Hampshire House of Representatives, for thirty consecutive years, has toiled with great devotion and energy, the hard-working member from Rye, Elizabeth A. Greene, known affectionately to all as Betty, and

WHEREAS, beginning in 1961 and continuing up through 1970, Betty Greene served her first five terms as a member and eventually as Chairman of the Standing Committee on Education, and

WHEREAS, beginning in 1971, Betty Greene assumed the responsible position of Chairman of the then-newly-created Standing Committee on Environment and Agriculture, and with great competence and accomplishment has filled that post right up to this very day, and

WHEREAS, throughout her distinguished twenty-year tenure as the steadfast leader of the Environment and Agriculture Committee, Betty Greene has guided numerous important bills through the legislative mine field to final passage, and

WHEREAS, the Environmental Protection Agency recently recognized Betty Greene for her two decades of hard legislative work by naming her a recipient of the New England Environmental Masters Award, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Elizabeth A. Greene be recognized and granted highest accolades for her outstanding legislative achievements and overall thirty-year record, and be it further

RESOLVED, that Elizabeth A. Greene be saluted for her recent honor in being named a recipient of the New England Environmental Masters Award to honor her

twenty years of environmental work, and that a suitable copy of this Resolution be prepared for presentation to her.

Adopted.

GOVERNOR'S VETO MESSAGE ON HB 1182-FN

To The Honorable Members of the General Court:

I have this day (April 28) vetoed House Bill 1182-FN.

I have vetoed this bill for one primary reason, we cannot afford it. In our current fiscal status, especially in a non-capital budget year, we should not as a matter of sound fiscal management undertake an appropriation of \$9.4 million for a new state office building that has not been adequately reviewed.

I can accept all other appropriations in the bill.

A complete analysis of the economics of building this new state office facility has not been performed. No "lease versus buy" analysis was performed and no consideration was given to alternatives such as a Financing Lease for the proposed building. Those analyses must be performed. The proposed building should be fully analyzed and prioritized with all other projects, and consideration given to all relevant debt ratios and the resultant impact of the expenditure on the state's bond rating.

In addition, based on information available to me, it appears that the total cost to finance and operate a new building could exceed the rent paid by relevant state agencies for comparable space by approximately \$200,000 annually. The letter from Administrative Services, relied upon by those supporting construction of a new office building, concludes that "the costs are about equal" when comparing a new building to leased facilities. Not only do the numbers not support substantial savings but, the analysis does not include an average approximate cost of \$4.50 per square foot (\$450,000+/year) for utilities and maintenance relative to a state owned building. Thus, we also need the benefit of the report of the study committee established by Senate Bill 323-FN, which was recently passed by the legislature and just last week signed into law, establishing a committee to study the feasibility of locating all state agencies which rent space in a state owned building.

Also, I believe provisions in Sections 29 and 36 of the bill which requires a two-step approval process by the Capital Budget Overview Committee, violate the constitutionally-protected separation of powers doctrine. The government of this State is based upon the division of authority among the three branches and upon the concept that legislation and amendments thereto are to be enacted after consideration by the full General Court. A recent New Hampshire Supreme Court case (Opinion of The Justices October 8, 1987) on a very similar matter held firmly to this position.

Some have stated that the building must be built as a public works project to help the economy. I would state to those who hold that view that a much greater contribution can be made to the health of the State by having the state government act in a fiscally responsible way during these tight times. Spending \$9 million we do not have is not fiscally responsible.

From my experience as a Congressman in Washington, I often saw that sound legislation with momentum towards passage was used as a vehicle for questionable amendments. This is "old boy" politics. It was wrong then and now, as Governor, I cannot support such action.

For that reason, I must urge you to sustain this veto and take whatever action is necessary to suspend rules and delete the state office building and the unconstitutional provisions. Should this veto be sustained a failure to suspend the rules and pass a

revised bill will represent a loss or delay of some excellent projects. I will enthusiastically and immediately support such a revised bill.

Judd Gregg, Governor

The question being, notwithstanding the Governor's veto, shall HB 1182-FN pass?

Reps. Soldati, Stiles, and Guay spoke against the motion.

Reps. Thomas Gage, Hollingworth, Schotanus, Chambers and Phelps spoke in favor and yielded to questions.

(Deputy Speaker Burns in the Chair)

Reps. Channing Brown, Hayes and Hager spoke against the motion and yielded to questions.

(Speaker in the Chair)

As required by the Constitution, a roll call was taken.

YEAS 75

NAYS 266

**YEAS 75
BELKNAP**

Hawkins, Robert S.
Vogler, Charles C.

Maviglio, Steven R.

Randall, Kenneth A.

CARROLL

Chandler, Gene G.

MacDonald, Kenneth J.

CHESHIRE

Barber, Robert E., Jr.

Matson, William R.

Spear, Susan

COOS

Burns, Harold W.

Kilbride, Dennis J.

Nelson, Harold D.

GRAFTON

Bean, Pamela B.

Chambers, Mary P.

Copenhaver, Marion L.

HILLSBOROUGH

Ahrens, Frederick G.
Cote, David E.
Gerow, Sezen M.
Haettenschwiller, A. A.
Leclerc, Charles J.
Murphy, Robert E.
Reidy, Frank J.

Amidon, Eleanor H.
Dube, Ellen C.
Green, Scott E.
Johnson, Lionel W.
Mason, Howard F.
Pappas, Toni
Robinson, Ellen-Ann

Burkush, Peter
Dwyer, Patricia R.
Gureckis, Adam C., Sr.
King, John A.
Moore, Elizabeth A.
Pignatelli, Debora B.

MERRIMACK

Lockwood, Robert A.

Phelps, James D.

ROCKINGHAM

Blanchard, MaryAnn N.
Conroy, Janet M.
Greene, Elizabeth A.
Johnson, Robert A.
MacDonald, Joseph A.
Pantelakos, Laura C.
Sochalski, Matthew M.
Weyler, Kenneth L.

Brown, Lewis W.
Flanders, John W., Sr.
Haynes, Richard L.
King, Roger C.
MacDonald, Maurice B.
Rosencrantz, James R.
Splaine, John E., Sr.

Campbell, Marilyn R.
Gage, Thomas U.
Hollingworth, Beverly A.
Lovejoy, Virginia K.
McCain, William F.
Roulston, Donald L.
Vaughn, Charles L.

STRAFFORD

Brown, Julie M.
Flynn, Edward J.
Martling, W. Kent
Pelley, Janet R.
Young, John B.

Burton, Wayne M.
Foss, Patricia H.
Merrill, Amanda
Scharff, Thomas Edward

Flynn, Anita A.
Frechette, Roland A.
O'Brien, John
Torr, Ann M.

SULLIVAN

Harland, Jane A.

Rodeschin, Beverly T.

Schotanus, Merle W.

NAYS 266**BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Rice, Thomas, Jr.
Salatiello, Thomas

Campbell, Richard H., Jr.
Holbrook, Robert G.
Richardson, Lawrence
Turner, Robert H.

Golden, Paul A.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Foster, Katherine Davis
Hill, Douglas E.
Metzger, Katherine H.
Perry, David M.
Sawyer, Alfred P.

Cole, Kenneth A.
Delano, Robert F.
Gordon, Irvin H.
LaMar, David M.
Morse, Jo-Ann T.
Pierce, David A.
Young, David A.

Cole, Stacey W.
Doucette, Richard F.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Merrill, Gerald

Dumont, Robert E.
Lemire, George

GRAFTON

Adams, Carl S.
Brown, Channing T.
Dow, David
Larson, Nils H., Jr.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Arnesen, Deborah L.
Christy, C. Dana
Driscoll, William J.
Markley, J. Keith
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Densmore, Edward D.
Hill, Richard L.
Nordgren, Sharon
Teschner, Douglass P.
Ward, Kathleen W.
White, Paul R.

HILLSBOROUGH

Andrews, Frederick B.
Barry, Vivian
Boucher, Lionel R.
Brady, Carolyn L.
Daigle, Robert Arthur
Dionne, Paul R.
Donovan, Francis X.

Baldizar, Barbara J.
Bicknell, Robert C.
Bourque, Ann J.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Dodge, Emma M.
Drabinowicz, A. Theresa

Barry, Janet Gail
Biondi, Christine A.
Bowers, Dorothy C.
Cox, Gladys M.
Desrosiers, William J.
Domaingue, Jacquelyn
Drolet, Paul L.

Dyer, Merton S.
Emerton, Lawrence
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.
Hall, Betty B.
Holden, Carol H.
Jasper, Shawn N.
Keefe, Edmund M.
Kress, Gloria W.
Lachut, Ervin R.
Lefebvre, Roland J.
McCann, Bonnie Lou
McRae, Karen
Ouellette, Robert O.
Pepino, Leo P.
Record, Alice Barnard
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Upton, Barbara Allen
Wright, George W.

Dykstra, Leona
Fields, Dennis H.
Ford, Nancy M.
Goulet, Maurice E.
Hanselman, Gregory L.
Hultgren, David D.
Jean, Romeo W.
Kelley, Robert N.
Kuchinski, Steve
Lawrence, Eva M.
Lown, Elizabeth
McDowell, James E.
Messier, Irene M.
Packard, Bonnie B.
Perham, Lester R.
Rheault, Lillian I.
Schneiderat, Catherine
Spaloss, Henry F.
Turgeon, Roland M.
Vanderlosk, Stanley R.
Young, Willard N.

Elliott, Larry G.
Flood, Jacqueline J.
Frank, Nancy G.
Grip, Robert H.
Healy, Daniel J.
Hunter, Bruce F.
Jenkins, Mary
Knight, Alice Tirrell
Kurk, Neal M.
Lawrence, Norman B.
Lozeau, DonnaLee
McNerney, Daniel P.
Morrissette, Roland
Paquette, Rodolphe G.
Prestipino, Bartolo V.
Riley, Frances L.
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Barberia, Richard A.
Bennett, J. Allen
Carter, Susan D.
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Nichols, Avis B.
Shaw, Randall F.
Stio, Peter M.
Trombly, Rick A.
Whittemore, James A.

Apple, Lowell D.
Bardsley, Elizabeth S.
Boucher, Laurent J.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Pfaff, Terence R.
Smith, Gerald R.
Teague, Bert
Wallner, Mary Jane

Asplund, Bronwyn L.
Beaton, Nancy
Braiterman, Thea
Dunn, Miriam
Gilbreth, Robert M.
Hayes, Robert C.
Johnson, C. William
Millard, Elizabeth S.
Provencal, Leo A.
Soldati, Jennifer
Tolpin, Richard W.
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Boucher, William Paul
Campbell, Eunice M.
Cooke, Annette M.
Felch, Charles H., Sr.
Flanders, Harry E.
Gourdeau, Raymond H.
Kane, Cecelia D.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McGovern, Cynthia A.
Palazzo, Frank J., Sr.

Bell, Juanita
Brown, Jeffrey M.
Caswell, Albert, Jr.
Cote, Patricia L.
Fesh, Robert M.
Ford, Bert H.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McKinney, Betsy
Parr, Ednappearl F.

Benton, Richardson D.
Buco, Stephen
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Flanagan, Natalie S.
Gage, Beverly A.
Hynes, Carolyn E.
Katsakiores, Phyllis
MacKinnon, Nancy W.
McCarthy, John James, Jr.
Micklon, Stephanie K.
Parsons, Robert F.

| | | |
|---------------------|-----------------------|--------------------|
| Popov, Elizabeth M. | Raynowska, Bernard J. | Ritzo, Eugene |
| Senter, Marilyn P. | Seward, Russell G. | Sherburne, John L. |
| Simon, Peter M. | Skinner, Patricia M. | Sytek, Donna |
| Vartanian, Elsie | Warburton, Calvin | Welch, David A. |
| Wells, Henry E. | | |

STRAFFORD

| | | |
|-------------------------|-------------------------|--------------------|
| Appleby, James E. | Bernard, Mary E. | Bickford, Drucilla |
| Callaghan, Robert J. | Dionne, Albert J. | Gilmore, Gary |
| Keans, Sandra Balomenos | Kinney, Paula J. | Lachance, Douglas |
| Marston, Robert E. | McCann, William H., Jr. | Musler, George T. |
| Parks, Joe B. | Spencer, Leo J. | Stewart, Glenn W. |
| Sullivan, Henry P. | Swope, Warren L. | Torr, Ralph W. |
| Tsiros, William | Vincent, Francis C. | Wall, Janet G. |

SULLIVAN

| | | |
|--------------------|-----------------------|-----------------------|
| Behrens, Thomas A. | Burling, Peter Hoe | Domini, Irene C. |
| Flint, Gordon B. | Krueger, Richard H. | MacAskill, Kenneth M. |
| Middleton, John A. | Stamatakis, Carol M., | |

and the veto was sustained, lacking the necessary two-thirds.

Rep. Malcolm wished to be recorded against sustaining the Governor's veto.

Reps. Jacobson and Blacketor wished to be recorded in favor of sustaining the Governor's veto.

Rep. Powers notified the Clerk that he inadvertently voted nay, and meant to vote yea.

SUSPENSION OF RULES

Rep. Sytek moved that the House Rules and Joint Rules be so far suspended as to permit the introduction, consideration at the present time and final passage of a bill containing all the material in HB 1182 as passed by the General Court with the exception of Sections 36, 37 and 38, concerning a new state office building on Hazen Drive in Concord, and further moved that the House request the concurrence of the Senate in said suspensions.

Reps. Betty Hall and Rose spoke against the motion.

Reps. Ward, Skinner, Stacey Cole and Richard Hill spoke in favor of the motion.

Rep. Gross spoke against the motion and yielded to questions.

A roll call was called for. Sufficiently seconded.

YEAS 303**NAYS 36****YEAS 303****BELKNAP**

| | | |
|--------------------|---------------------------|--------------------|
| Bolduc, Dennis R. | Campbell, Richard H., Jr. | Golden, Paul A. |
| Hardy, Earle D. | Holbrook, Robert G. | Pearson, Ralph W. |
| Rice, Thomas, Jr. | Richardson, Lawrence | Rosen, Ralph J. |
| Salatiello, Thomas | Turner, Robert H. | Vogler, Charles C. |
| Ziegra, Alice S. | | |

CARROLL

| | | |
|----------------------|---------------------------|-------------------|
| Daly, Robert J., Jr. | Dickinson, Howard C., Jr. | Foster, Robert W. |
| Olimpio, J. Lisbeth | Saunders, Howard N. | |

CHESHIRE

Avery, Stephen G.
 Cole, Stacey W.
 Doucette, Richard F.
 Hill, Douglas E.
 Matson, William R.
 Pearson, Gertrude B.
 Pratt, Irene A.
 Young, David A.

Barber, Robert E., Jr.
 Crutchley, Donald O.
 Foster, Katherine Davis
 LaMar, David M.
 Metzger, Katherine H.
 Perry, David M.
 Sawyer, Alfred P.

Cole, Kenneth A.
 Delano, Robert F.
 Gordon, Irvin H.
 Laurent, John J.
 Morse, Jo-Ann T.
 Pierce, David A.
 Spear, Susan

COOS

Brungot, Catherine V.
 Guay, Lawrence J.
 Marsh, Beaton
 Theriault, Romeo J.

Buckley, C. Fitzgerald, III
 Horton, Lynn C.
 Merrill, Gerald

Dumont, Robert E.
 Lemire, George
 Nelson, Harold D.

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Christy, C. Dana
 Dow, David
 Larson, Nils H., Jr.
 Scanlan, David M.
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
 Brown, Channing T.
 Copenhaver, Marion L.
 Driscoll, William J.
 Markley, J. Keith
 Teschner, Douglass P.
 Ward, Kathleen W.
 White, Paul R.

Bean, Pamela B.
 Chambers, Mary P.
 Densmore, Edward D.
 Hill, Richard L.
 Nordgren, Sharon
 Townsend, Howard C.
 Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
 Baldizar, Barbara J.
 Bicknell, Robert C.
 Bourque, Ann J.
 Burkush, Peter
 Cox, Gladys M.
 Dionne, Paul R.
 Donovan, Francis X.
 Dube, Ellen C.
 Dykstra, Leona
 Flood, Jacqueline J.
 Frank, Nancy G.
 Green, Scott E.
 Haettenschwiller, A. A.
 Hultgren, David D.
 Jean, Romeo W.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Kurk, Neal M.
 Lawrence, Norman B.
 Lown, Elizabeth
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland

Amidon, Eleanor H.
 Barry, Janet Gail
 Biondi, Christine A.
 Bowers, Dorothy C.
 Cote, David E.
 Daigle, Robert Arthur
 Dodge, Emma M.
 Drabinowicz, A. Theresa
 Dwyer, Patricia R.
 Elliott, Larry G.
 Foote, Herbert N., Sr.
 Gagnon, Gabrielle V.
 Grip, Robert H.
 Healy, Daniel J.
 Hunter, Bruce F.
 Jenkins, Mary
 Kelley, Robert N.,
 Kress, Gloria W.
 Lachut, Ervin R.
 Leclerc, Charles J.
 Lozau, Donnalee
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.

Andrews, Frederick B.
 Barry, Vivian
 Boucher, Lionel R.
 Brady, Carolyn L.
 Cowenhoven, Garret P.
 Desrosiers, William J.
 Domaingue, Jacquelyn
 Drolet, Paul L.
 Dyer, Merton S.
 Fields, Dennis H.
 Ford, Nancy M.
 Gerow, Sezen M.
 Gureckis, Adam C., Sr.
 Holden, Carol H.
 Jasper, Shawn N.
 Johnson, Lionel W.
 King, John A.
 Kuchinski, Steve
 Lawrence, Eva M.
 Lefebvre, Roland J.
 Mason, Howard F.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Ouellette, Robert O.

Packard, Bonnie B.
 Perham, Lester R.
 Record, Alice Barnard
 Riley, Frances L.
 Schneiderat, Catherine
 Spaloss, Henry F.
 Turgeon, Roland M.
 Vanderlosk, Stanley R.
 Young, Willard N.

Pappas, Toni
 Pignatelli, Debora B.
 Reidy, Frank J.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Tyree, Paul M.
 Wheeler, David K.

Pepino, Leo P.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Sallada, Roland A.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Upton, Barbara Allen
 Wright, George W.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Boucher, Laurent J.
 Daneault, Gabriel
 Hager, Elizabeth
 Holmes, Mary C.
 Lewis, Mary Ann
 Pfaff, Terence R.
 Soldati, Jennifer
 Tolpin, Richard W.
 West, George M.

Asplund, Bronwyn L.
 Beaton, Nancy
 Braiterman, Thea
 Dunn, Miriam
 Hayes, Robert C.
 Johnson, C. William
 Millard, Elizabeth S.
 Provencal, Leo A.
 Stio, Peter M.
 Trombly, Rick A.
 Whittemore, James A.

Barberia, Richard A.
 Bennett, J. Allen
 Carter, Susan D.
 Fair, Patricia A.
 Hill, Michael
 Kidder, William F.
 Nichols, Avis B.
 Smith, Gerald R.
 Teague, Bert
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William Paul
 Bucu, Stephen
 Caswell, Albert, Jr.
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Thomas U.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Joseph A.
 Magoon, Harold F.
 Micklon, Stephanie K.
 Parsons, Robert F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Skinner, Patricia M.
 Sytek, Donna
 Warburton, Calvin
 Weyler, Kenneth L.

Bell, Juanita
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Chase, Lawrence A., Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 Katsakiores, Phyllis
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 McCarthy, John James, Jr.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Rosencrantz, James R.
 Seward, Russell G.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Welch, David A.

Benton, Richardson D.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Conroy, Janet M.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Kane, Cecelia D.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McGovern, Cynthia A.
 Pantelakos, Laura C.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Sherburne, John L.
 Splaine, John E., Sr.
 Vaughn, Charles L.
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Dionne, Albert J.
 Foss, Patricia H.

Bernard, Mary E.
 Flynn, Anita A.
 Frechette, Roland A.

Burton, Wayne M.
 Flynn, Edward J.
 Keans, Sandra Balomenos

Kinney, Paula J.
 Martling, W. Kent
 Musler, George T.
 Stewart, Glenn W.
 Torr, Ralph W.
 Wall, Janet G.

Lachance, Douglas
 McCann, William H., Jr.
 Parks, Joe B.
 Sullivan, Henry P.
 Tsiros, William
 Young, John B.

Marston, Robert E.
 Merrill, Amanda
 Pelley, Janet R.
 Torr, Ann M.
 Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 MacAskill, Kenneth M.
 Schotanus, Merle W.

Burling, Peter Hoe
 Harland, Jane A.
 Middleton, John A.
 Stamatakis, Carol M.

Domini, Irene C.
 Krueger, Richard H.
 Rodeschin, Beverly T.

NAYS 36

BELKNAP

Hawkins, Robert S.

Maviglio, Steven R.

Randall, Kenneth A.

CARROLL

Chandler, Gene G.

MacDonald, Kenneth J.

Powers, Gerard E., Jr.

CHESHIRE

None.

COOS

Burns, Harold W.

Kilbride, Dennis J.

GRAFTON

Rose, William B.

HILLSBOROUGH

Desrochers, Gerard T.
 Hall, Betty B.

Emerton, Lawrence
 Paquette, Rodolphe G.

Goulet, Maurice E.

MERRIMACK

Apple, Lowell D.
 Gross, Caroline L.
 Shaw, Randall F.

Fraser, Leo W., Jr.
 Lockwood, Robert A.

Gilbreth, Robert M.
 Phelps, James D.

ROCKINGHAM

Blanchard, MaryAnn N.
 McCain, William F.
 Simon, Peter M.

Gage, Beverly A.
 McKinney, Betsy

MacDonald, Maurice B.
 Parr, Ednapearl F.

STRAFFORD

Bickford, Drucilla
 Gilmore, Gary
 Spencer, Leo J.

Brown, Julie M.
 O'Brien, John
 Swope, Warren L.,

Callaghan, Robert J.
 Scharff, Thomas Edward

SULLIVAN

None.

and the motion was adopted by the necessary two-thirds.

Rep. Grodin notified the Clerk that he wished to be recorded in favor of the motion.

Rep. Sytek, Chairman of the Ways and Means Committee, gave a revenue report to the House.

**STATE OF NEW HAMPSHIRE
WAYS AND MEANS COMMITTEE REPORT TO THE HOUSE OF REPRESENTATIVES
REVISED ESTIMATES OF UNRESTRICTED REVENUES BY FUND SOURCE**

REVISED
LBNO
05/03/90

| | FY 1989 ACTUAL | 1990 SESSION REVISED OFFICIAL ESTIMATE FY 1990 | COMMITTEE REVISIONS | INCREASE (DECREASE) | 1990 SESSION REVISED OFFICIAL ESTIMATE FY 1991 | COMMITTEE REVISIONS | INCREASE (DECREASE) |
|----------------------------|-------------------|---|------------------------|------------------------|---|------------------------|------------------------|
| GENERAL FUND | | | | | | | |
| Beer | 12,110,244 | 12,475,000 | 12,475,000 | | 13,850,000 | 13,850,000 | |
| Board and Care | 14,668,795 | 15,475,000 | 15,475,000 | | 16,300,000 | 16,300,000 | |
| Business Profits Tax | 143,260,560 | 114,000,000 | 108,000,000 | (6,000,000) | 119,700,000 | 119,700,000 | |
| Estate and Legacy Taxes | 30,353,772 | 29,500,000 | 27,500,000 | (2,000,000) | 29,500,000 | 29,500,000 | |
| Insurance | 41,407,263 | 44,000,000 | 44,000,000 | | 46,000,000 | 46,000,000 | |
| Interest and Dividends Tax | 36,025,367 | 38,000,000 | 40,000,000 | | 40,000,000 | 40,000,000 | |
| Liquor | 51,969,020 | 56,465,000 | 56,465,000 | | 60,300,000 | 60,300,000 | |
| Meals and Rooms Taxes | 81,809,293 | 85,775,000 | 85,775,000 | | 96,775,000 | 96,775,000 | |
| Parks Income | 5,959,757 | 6,725,000 | 6,725,000 | | 7,400,000 | 7,400,000 | |
| Dog Racing | 8,304,202 | 7,725,000 | 7,725,000 | | 7,725,000 | 7,725,000 | |
| Horse Racing | 2,257,587 | 3,565,000 | 3,565,000 | | 4,075,000 | 4,075,000 | |
| Real Estate Transfer Tax | 29,678,819 | 37,125,000 | 30,475,000 | (6,650,000) | 34,050,000 | 40,700,000 | 6,650,000 |
| Telephone | 9,509,996 | 14,800,000 | 14,800,000 | | 24,200,000 | 24,200,000 | |
| Cigarette Tax | 31,466,260 | 39,200,000 | 39,200,000 | | 44,550,000 | 44,550,000 | |
| Utilities | 8,382,680 | 9,500,000 | 9,500,000 | | 10,000,000 | 10,000,000 | |
| Other | 32,660,970 | 45,250,000 | 45,250,000 | | 48,850,000 | 48,850,000 | |
| Courts | 20,246,004 | 22,000,000 | 22,000,000 | | 23,650,000 | 23,650,000 | |
| Savings Bank Tax | 10,778,486 | 12,500,000 | 13,000,000 | 500,000 | 13,000,000 | 13,000,000 | |
| Total | 570,849,075 | 594,080,000 | 581,930,000 | (12,150,000) | 639,925,000 | 646,575,000 | 6,650,000 |
| HIGHWAY FUND | | | | | | | |
| Gasoline Road Toll | 87,657,347 | 83,750,000 | 83,750,000 | | 93,230,000 | 93,230,000 | |
| Motor Vehicle Fees | 48,897,388 | 56,500,000 | 56,500,000 | | 59,100,000 | 59,100,000 | |
| Miscellaneous | 8,867,477 | 8,950,000 | 8,950,000 | | 9,350,000 | 9,350,000 | |
| Total | 145,422,212 | 149,200,000 | 149,200,000 | | 161,680,000 | 161,680,000 | |
| FISH AND GAME FUND | | | | | | | |
| Fish and Game Licenses | 5,315,500 | 5,550,000 | 5,550,000 | | 5,870,000 | 5,870,000 | |
| Fines and Penalties | 75,559 | 70,000 | 70,000 | | 70,000 | 70,000 | |
| Miscellaneous Sales | 233,974 | 150,000 | 150,000 | | 150,000 | 150,000 | |
| Indirect Costs | 64,407 | 150,000 | 150,000 | | 125,000 | 125,000 | |
| Total | 5,689,440 | 5,920,000 | | 6,215,000 | 6,215,000 | | |

SENATE MESSAGE

The Senate has adjourned to the joint call of the Speaker of the House and President of the Senate.

The Committee on Health, Human Services and Elderly Affairs offered the following:

HOUSE RESOLUTION NO. 70

honoring Representative Alice Tirrell Knight of Goffstown

WHEREAS, a gentlewoman is defined as one of gentle and refined manner; a well-bred woman of character and fine feelings, and

WHEREAS, in the collective opinion of her family, her friends, and her colleagues, Alice Tirrell Knight is a woman who epitomizes that definition, and

WHEREAS, for ten of the twelve bienniums between 1967 and 1990, Alice Tirrell Knight has been an esteemed and dedicated member of the New Hampshire House of Representatives, and

WHEREAS, throughout her outstanding tenure as a diligent and devoted representative of the people, Alice Tirrell Knight has served faithfully as a member of the Standing Committees on Education; Health, Human Services and Elderly Affairs; Labor, Industrial and Rehabilitative Services; and State Institutions, and

WHEREAS, having been blessed with an abundance of energy and the credentials of leadership, Alice Tirrell Knight has given much of her time to numerous community endeavors including the Goffstown Budget Committee, the Goffstown Community Garden Club, and the Greater Manchester Community Concert Association, and

WHEREAS, having been born in Manchester, New Hampshire, Alice Tirrell Knight graduated from Manchester High School and in 1925 received her bachelor's degree from the University of New Hampshire, and

WHEREAS, throughout her lifetime, Alice Tirrell Knight has made innumerable friends, imparting to all the warmth and felicity of a true gentlewoman, now therefore be it

RESOLVED, by the House in Regular Session convened, that Alice Tirrell Knight be publicly lauded, granted highest accolades and recognized for her outstanding service as a legislator and as a community leader, and be it further

RESOLVED, that Alice Tirrell Knight be acknowledged as an outstanding New Hampshire citizen, and that a suitable copy of this Resolution be prepared for presentation to her.

Adopted.

(Deputy Speaker Burns in the Chair)

Rep. Gilmore addressed the House.

Rep. Lachance and the Speaker announced the resignation of Karen Rouillard, receptionist in the Legislative Office Building. The Chair introduced Ms. Rouillard who briefly addressed the House.

Reps. Gross and Chambers moved that when the House adjourns today it be to meet at the Joint Call of the Speaker and Senate President.

Adopted.

The House adjourned at 3:40 p.m.

Attest:

James A. Chandler
Clerk

1990 INTERIM STUDY AND STATUTORY APPOINTMENTS

HB 190 relative to conflicts between municipal budget law and collective bargaining negotiations. (amended)

Municipal and County Government

HB 216 requiring emissions control inspections of motor vehicles.

Environment and Agriculture and Transportation

HB 265 relative to telephone and telegraph company taxes.

Ways and Means

HB 318 prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton.

Transportation

HB 382 to establish a procedure to assess earth products for real estate taxation purposes.

Senate Development, Recreation and Environment

HB 412 to provide tax credits for employees under the business profits tax.

Ways and Means

HB 419 to impose a capital gains tax on speculative land sales.

Ways and Means

HB 421 relative to licensing gas installers.

Executive Departments and Administration

HB 437 licensing alarm installers.

Executive Departments and Administration

HB 592 relative to a minimum service retirement allowance for group I members with 20 or more years of creditable service.

Executive Departments and Administration

HB 665 establishing an advisory board on boating.

Transportation

HB 719 relative to a minimum service retirement allowance for group II members.

Executive Departments and Administration

HB 734 creating a solid waste landfill reduction and cleanup program.

Environment and Agriculture

HB 1011 relative to movable blades of hunting arrow tips.

Fish and Game

HB 1045 to provide rulemaking notice to municipalities and legislators.

Executive Departments and Administration

HB 1050 relative to "junk fax".

Senate Public Affairs

HB 1056 relative to the revocation of hunting and fishing licenses and to hunting dog training.

Fish and Game

HB 1061 relative to old age assistance and aid to the permanently and totally disabled.

Health, Human Services and Elderly Affairs

HB 1067 providing for a statewide advisory referendum.

Constitutional and Statutory Revision

HB 1071 relative to the salaries of direct care employees at certain state institutions.

Executive Departments and Administration

HB 1128 requiring licensure of out-of-state mail order pharmacies.

Senate Public Institutions/Health and Human Services

HB 1130 relative to health and safety in rental property.

State Institutions and Housing

HB 1132 relative to excluding witnesses from criminal trials.

Judiciary

HB 1135 relative to weighted voting in school administrative unit affairs.

Education

HB 1141 relative to temporary sewage holding tanks.

Resources, Recreation and Development

HB 1177 to create the New Hampshire county correctional industries authority.

State Institutions and Housing

HB 1192 establishing a New Hampshire small business mini-loan program and making an appropriation therefor.

Commerce, Small Business and Consumer Affairs

HB 1202 establishing the New Hampshire foundation for mental health.

Health, Human Services and Elderly Affairs

HB 1203 to tax all tobacco products.

Ways and Means

HB 1206 relative to claims to dower, curtesy and homestead rights.

Judiciary

HB 1207 establishing a marital commission pilot program in Sullivan county and making an appropriation therefor.

Judiciary

HB 1209 relative to the storage and disposal of low-level radioactive wastes.

Science, Technology and Energy

HB 1214 relative to regional refuse disposal district and solid waste management planning committee members.

Environment and Agriculture

HB 1217 relative to fair credit billing.

Commerce, Small Business and Consumer Affairs

HB 1226 relative to leave sharing policies.

Executive Departments and Administration

HB 1242 relative to DWI and the ignition interlock device.

Judiciary

HB 1244 relative to municipal charters and to extending the time for the filing of a report by the municipal charter study committee.

Senate Public Affairs

HB 1249 relative to the approval of union contracts by the county convention and its executive committee.

Municipal and County Government

HB 1265 relative to consumer motor vehicle warranties.

Commerce, Small Business and Consumer Affairs

HB 1279 relative to state guaranteed loans.

Judiciary

HB 1293 relative to securities licensing procedures.

Commerce, Small Business and Consumer Affairs

HB 1303 relative to volunteer firefighters.

Public Protection and Veterans Affairs

HB 1306 relative to the procedures of the certificate of need board.

Health, Human Services and Elderly Affairs

HB 1312 relative to employee prescription drug benefits and health care centers.

Public Institutions/Health and Human Services

HB 1320 relative to watercraft sewage pump-out facilities at marinas.

Resources, Recreation and Development

HB 1323 relative to the uniformed officers of the division of state police.

Executive Departments and Administration

HB 1336 relative to organ transplants.

Health, Human Services & Elderly Affairs

HB 1345 relative to high speed pursuit.

Judiciary

HB 1362 relative to penalties for DWI offenses.

Judiciary

HB 1368 to impose a disposable diaper fee.

Environment and Agriculture

HB 1374 relative to guardians ad litem and making an appropriation therefor.

Children, Youth and Juvenile Justice

HB 1380 relative to mandatory automobile insurance.

Commerce, Small Business and Consumer Affairs

HB 1387 relative to protecting the quality of surface waters.

Senate Development, Recreation and Environment

HB 1393 to retire the debt resulting from group II retirement system benefits granted in 1987.

Executive Departments and Administration

HB 1399 to impose a statewide property tax and a personal income tax and making an appropriation for its administration, and establishing a local property tax relief fund.

Ways and Means

HB 1412 relative to moorings.

Resources, Recreation and Development

HB 1416 relative to adoption of more stringent automobile emission standards.

Environment and Agriculture and Transportation

HB 1421 relative to admissibility of evidence in juvenile certification proceedings.

Children, Youth and Juvenile Justice

HB 1430 establishing a public access advisory board to develop access to public waters and establishing a public access development fund.

Resources, Recreation and Development

HB 1437 placing New Hampshire public elementary and secondary schools under state administration and control.

Education

HB 1507 relative to early retirement benefits.

Executive Departments and Administration

HBI 2011 relating to mining.

Environment and Agriculture

SB 307 relative to state employee retiree dependent medical insurance.

Senate Insurance

SB 315 relative to health insurance for retired municipal employees.

Senate Insurance

SB 330 establishing an interest-free revolving loan fund and a guaranteed loan program for elderly care providers and making an appropriation therefor.

Senate Finance

SB 337 relative to interpreting zoning ordinances.

Senate Public Affairs

SB 341 establishing the home mortgage guarantee authority.

Senate Banks

SB 347 to provide an automatic cost of living adjustment for group I retirement system members.

Senate Insurance

SB 352 relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants.

Judiciary

SB 365 relative to service areas for purposes of certificate of need.

Public Institutions/Health and Human Services

SB 372 relative to suspension or revocation of the motor vehicle license or privilege to drive.

Transportation

SB 408 relative to alcohol offenses, transporting alcoholic beverages, and children in need of services.

Senate Judiciary

SB 409 relative to school attendance as a condition of issuance of drivers' licenses to minors.

Education

1990 STATUTORY COMMITTEES**HB 139 (Chapter 162:7, Laws of 1990) COMMITTEE TO STUDY JOB-SHARING FOR GROUP I EMPLOYEE MEMBERS OF THE NEW HAMPSHIRE RETIREMENT SYSTEM**

3 Representative appointed by Speaker

3 Senators appointed by President

HB 530 (Chapter 46, Laws of 1990) COMMITTEE TO EXAMINE ISSUES REGARDING THE FEDERAL DRUG WAR

1 Representatives of House Judiciary appointed by Speaker

1 Representative of House Children, Youth and Juvenile Justice appointed by Speaker

2 Senators appointed by President

1 sheriff appointed by Governor

1 representative of the Judicial Council, nominated by the Judicial Council and appointed by Governor

1 member of the NH Police Chiefs Association, nominated by the Association and appointed by Governor

1 member of the NH Police Association, nominated by the Association and appointed by Governor

EX-OFFICIO MEMBERS AS FOLLOWS:

The Governor or designee

Health and Human Services Commissioner or designee (designated Chairman)

Attorney General or designee

Safety Commissioner or designee

Corrections Commissioner or designee

Office of Alcohol and Drug Abuse Prevention Director or designee

Education Commissioner or designee

HB 746 (Chapter 15:2, Laws of 1990) TASK FORCE RELATIVE TO REDUCING AND RECYCLING THE SOLID WASTE STREAM

1 representative from the newspaper industry appointed by Governor

1 representative from the plastics industry appointed by Governor

1 representative from the packaging industry appointed by Governor

1 representative from the recycling industry appointed by Governor

Commissioner, Department of Environmental Services or designee

1 representative appointed by Speaker

1 senator appointed by President

HB 1058 (Chapter 34:2, Laws of 1990) STUDY COMMITTEE REGARDING RESTORATION AND PRESERVATION OF STATE HISTORIC FLAGS

2 Representatives appointed by Speaker

2 Senators appointed by President

State Curator

Chairman of Legislative Historical Committee or designee

HB 1060 (Chapter 182, Laws of 1990) COMMITTEE TO STUDY MEDICAL INJURY COMPENSATION AND DISCIPLINE OF PHYSICIANS

3 Representatives appointed by Speaker

3 Senators appointed by President

4 attorneys, 2 of whom shall be plaintiff's counsel and 2 of whom shall be defendant's counsel, appointed by the President of the NH Bar Association

4 physicians, 3 of whom shall be appointed by the NH Medical Society and 1 of whom shall be a member of and appointed by the Board of Registration in Medicine Insurance Commissioner or designee

2 public members appointed by Governor

HB 1096 (Chapter 99, Laws of 1990) COMMITTEE TO STUDY THE FEASIBILITY OF DEVELOPING A STATEWIDE TRAUMA CARE SYSTEM

Bureau chief, Bureau of Emergency Medical Services or designee

1 representative from NH Chapter of American College of Surgeons appointed by such chapter

State Medical Director appointed by Bureau Chief of Bureau of Emergency Medical Services

2 Representatives appointed by Speaker

2 Senators appointed by President

1 public member appointed by Governor

A representative of NH Hospital Association appointed by Association

A representative of NH Emergency Nurses Association appointed by Association

A member of Emergency Medical Service Coordinating Board established in RSA 151-B:2, appointed by Board

A representative from NH Association of Fire Chiefs appointed by Association

Director, Division of Public Health Services or designee

State Medical Examiner or designee

A representative of NH Chapter of American College of Emergency Physicians appointed by such Chapter

HB 1108 (Chapter 55, Laws of 1990) COMMITTEE TO STUDY CHILD CARE IN PUBLIC AND PRIVATE SECTOR BUILDINGS

1 Representative appointed by the Speaker

1 Senator appointed by the President

Attorney General or designee

Commissioner, Department of Health and Human Services or designee

President, NH Child Care Association or designee

Co-chair of NH Family Day Care Association or designee

3 members of the general public (1 sitting member of a Planning Board; 1 sitting member of a Zoning Board of Adjustment, and 1 operator of a Child Care Facility) appointed by Governor

President, Business and Industry Association or designee

Chairperson, NH Child Day Care Advisory Committee or designee

1 member of NH School Boards Association appointed by Executive Director

HB 1122 (Chapter 132, Laws of 1990) COMMITTEE TO STUDY THE BEST USE OF THE KONA WILDLIFE AREA IN THE TOWN OF MOULTONBOROUGH

2 Representatives (1 from Resources, Recreation and Development and 1 from Fish and Game) appointed by Speaker

2 Senators (1 from Public Affairs and 1 from Development, Recreation and Environment) appointed by President

1 member from Fish and Game Department appointed by Executive Director

1 member from Office of State Planning appointed by Director

1 Selectman from the Town of Moultonborough appointed by the Board of Selectmen

1 member of Conservation Commission in the Town of Moultonborough appointed by Commission

1 member from Division of Parks and Recreation appointed by Commissioner, Department of Resources, Recreation and Development

A member from the Department of Environmental Services appointed by Commissioner

HB 1169 (Chapter 104, Laws of 1990) COMMITTEE TO STUDY DRUG AND ALCOHOL TESTING IN THE WORKPLACE

1 Representative appointed by Chairman, Labor Industrial and Rehabilitative Services Committee

1 Representative appointed by the Speaker

1 Senator appointed by President

1 person representing business and industry, nominated by the Business and Industry Association, appointed by Governor

1 person representing labor, nominated by the President of the NH AFL-CIO, and appointed by Governor

1 attorney appointed by Governor

1 public member appointed by Governor

HB 1175 (Chapter 82, Laws of 1990) COMMITTEE TO STUDY CHOICE IN EDUCATION

4 Representatives appointed by Speaker

4 Senators appointed by President

HB 1190 (Chapter 41, Laws of 1990) COMMITTEE TO CREATE A POLICY FOR THE COLLECTION AND DEACCESSION OF HISTORICAL OBJECTS FOR THE STATE OF NEW HAMPSHIRE

Commissioner, Department of Libraries, Arts and Historical Resources or designee

State Curator

State Archivist

State Archaeologist

Chairman of Legislative Historical Committee or designee

Director, Division of Parks and Recreation

Director, Division of Arts, Department of Libraries, Arts and Historical Resources

Governor or designee

1 Representative appointed by Speaker

1 Senator appointed by President

Director, NH Historical Society or designee

HB 1196 (Chapter 83, Laws of 1990) STUDY COMMITTEE RELATIVE TO WETLANDS BOARD MATTERS

4 Representatives from House Resources, Recreation and Development appointed by Speaker

2 Senators from Senate Development, Recreation and Environment appointed by President

HB 1227 (Chapter 142:3, Laws of 1990) COMMITTEE TO DEVELOP A STATEWIDE PLAN FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

1 Representative from Children, Youth and Juvenile Justice appointed by Chairman of said Committee

1 Senator appointed by President

Director, NH Task Force on Child Abuse and Neglect or designee

Director, Division for Children and Youth Services or designee

1 representative of county government appointed by NH Association of Counties

Chairman, NH Child Abuse Trust Fund Board or designee

2 members representing local child abuse coordinating councils from different regions of the state appointed by Governor

Chairman, Advisory Board on Children and Youth Services or designee

HB 1281 (Chapter 25, Laws of 1990) STUDY COMMITTEE RELATIVE TO WOMEN AT RISK FOR DRUG AND ALCOHOL ABUSE DURING PREGNANCY

2 representatives appointed by Speaker

2 senators appointed by President

Director, Office of Drug and Alcohol Abuse Prevention or designee

Director, Division of Public Health Services or designee

Director, Division for Children and Youth Services or designee

1 Medical Ethicist appointed by Governor

1 representative of the NH Civil Liberties Union appointed by that organization

1 Liquor Commissioner appointed by Chairman of Liquor Commission

6 members appointed by Governor as follows: 1 obstetrician, 1 pediatrician, and the remainder shall be alcohol and drug abuse counselors, medical professionals, educators or pastoral counselors

HB 1289 (Chapter 219:10, Laws of 1990) COMMITTEE TO STUDY THE ELIMINATION OF TRIAL DE NOVO SYSTEM

2 Senators, at least one of whom shall be a member of Senate Judiciary, appointed by President

2 Representatives, at least one of whom shall be a member of House Judiciary, appointed by Speaker

2 persons representing the court system, appointed by Chief Justice of the Supreme Court

2 district court judges, appointed by President of NH District and Municipal Court Judges Association

1 representative of the Department of Justice, appointed by Attorney General

2 county attorneys, appointed by President of NH Bar Association

2 defense attorneys, one from private practice and one from the public defender program, appointed by President of NH Bar Association

2 members of NH Association of Chiefs of Police, experienced in prosecution of cases in a district or municipal court, appointed by the Association

2 members of general public appointed by Governor

HB 1301 (Chapter 221, Laws of 1990) COMMITTEE TO STUDY THE PASSENGER MOTOR VEHICLE INSURANCE MARKET IN NEW HAMPSHIRE

1 Representative appointed by Speaker

1 Senator appointed by President

1 representative of the American Insurance Association, appointed by organization
 1 representative of the National Association of Independent Insurers, appointed by organization

2 members of the public, appointed by Governor

1 representative of the NH Domestic Insurers Association, appointed by organization

1 representative of direct writers not affiliated with or a member of any trade association, if any, appointed by Governor

1 representative of Independent Insurance Agents of NH, appointed by organization

1 representative of Professional Insurance Agents of New England, appointed by organization

2 representatives of the NH Bar Association, appointed by organization

1 representative of NH Citizen Action, appointed by such organization

1 representative of the Alliance of American Insurers, appointed by organization

1 representative of NH Head Injury Foundation, appointed by organization

1 representative of NH Driving While Intoxicated Prevention Council, appointed by organization

HB 1304 (Chapter 222, Laws of 1990) COMMITTEE TO STUDY THE FEASIBILITY OF DEVELOPING A MOBILE UNIT SYSTEM TO PROVIDE HEALTH CARE TO PERSONS IN RURAL AREAS

1 from Health Services Planning and Review Board established in RSA 151-C:3, appointed by the Board

1 representative of a home health care provider appointed by NH Home Care Association

1 member of the NH Association of Retired Persons, appointed by association

2 Representatives, one of whom shall be from House Health, Human Services and Elderly Affairs Committee, appointed by Speaker

2 Senators, one of whom shall be a member of the Senate Public Institutions/Health and Human Services Committee or their designees, appointed by President

Commissioner, Health and Human Services or designee

1 member from the Maternal and Child Health Bureau, appointed by Director of Public Health Services

1 representative from a visiting nurse agency, appointed by NH Home Care Association

1 representative of NH Medical Society, appointed by society

1 representative of NH School Nurses Association, appointed by association

HB 1324 (Chapter 85:2, Laws of 1990) JOINT LEGISLATIVE COMMITTEE WITH THE STATE OF MAINE TO STUDY THE PISCATAQUA RIVER BASIN

2 Representatives appointed by Speaker

2 Senator appointed by President

Commissioner, Department of Environmental Services or designee

Executive Director, Department of Fish and Game or designee

2 members appointed by Governor (1 representing the commercial fishing industry and 1 who is a municipal official from the seacoast area)

HB 1343 (Chapter 225, Laws of 1990) PRIVATE CONTRACT PRISON SYSTEMS STUDY COMMITTEE

2 Representatives appointed by Speaker

2 Senators appointed by President

1 economist familiar with public finance and 1 criminal justice expert, appointed by Governor

1 member of the County Commissioners Council and 1 member of the Correctional Superintendents Affiliates, appointed by NH Association of Counties

Commissioner of Corrections or designee

Attorney General or designee

Commissioner, Department of Administrative Services or designee

1 member appointed by NH Police Chiefs Association

HB 1348 (Chapter 227:3, Laws of 1990) COMMITTEE TO OVERSEE THE PRELIMINARY STEPS IN THE CREATION OF AN ACCESS TO HEALTH CARE PROGRAM

STAGE I

1 Representative appointed by Speaker

1 Senator appointed by President

1 individual appointed by Governor

Director, Office of Health Services Planning and Review or designee

Commissioner, Insurance Department or designee

Director, Office of Medical Services, Division of Human Services or designee

Director, Division of Public Health Services or designee

President, NH Business and Industry Association or designee

President, NH Association of Commerce and Industry or designee

President, NH Hospital Association or designee

President, NH Medical Society or designee

STAGE II

At first meeting, members appointed in Stage I shall appoint 7 additional members, including:

2 representatives from major health insurers in the state, at least one of whom shall be a representative of a major insurer or provider or insurer and provider of prepaid, managed health care services

2 representatives from statewide advocacy organizations that represent the interests of low-income persons or that advocate on behalf of consumers in the area of health care

2 low-income residents of the state

1 individual from a college, university, or medical school who is knowledgeable about health planning, management, or policy issues

HB 1376 (Chapter 148:4, Laws of 1990) PUBLIC WATER RIGHTS LEGISLATIVE STUDY COMMITTEE

3 Senators or their designees appointed by President

3 Representatives appointed by Speaker

HB 1404 (Chapter 150:3, Laws of 1990) COMMITTEE TO STUDY SHORELAND PROTECTION AND STANDARDS FOR SUCH PROTECTION

Under the statute, the following subparagraphs (a) - (j) shall be appointed by the Governor:

(a) 1 member who is an elected officer or staff member of a NH lake association

(b) 1 member nominated by the River Management Advisory Committee as established in RSA 483:8

(c) 1 member nominated by the NH Association of Regional Planning Commissions

(d) 1 member each from the following state agencies, which may be the Commissioner, Director or designee thereof: (1) Division, Parks and Recreation; (2) Department, Fish and Game; (3) Office of State Planning (designated Chairman); (4) State Port Authority

(e) 2 members from Department, Environmental Services, 1 representing lakes and 1 representing rivers

(f) 1 member nominated by the NH Municipal Association who is an elected municipal officer from one of following: (1) a lakefront community; (2) a riverfront community; (3) a great bay community

(g) 1 member nominated by NH Home Builders Association

(h) 1 member nominated by NH Association of Realtors

(i) 1 member from the Staff of the NH Municipal Association

(j) 1 member representing NH Association of Conservation Commissions

(k) 3 Representatives appointed by Speaker (2 from Resources, Recreation and Development and 1 from Municipal and County Government)

(l) 2 Senators appointed by President

HB 1406 (Chapter 253:8, Laws of 1990) COMMITTEE TO STUDY THE ISSUE OF MEDICAL WASTE

Commissioner, Environmental Services or designee

State Veterinarian or designee

1 representative from the NH Hospital Association, appointed by association

2 Representatives appointed by Speaker

2 Senators appointed by President

1 public member appointed by Governor

1 representative from the NH Medical Society appointed by society

HB 1410 (Chapter 255:20, Laws of 1990) COMMITTEE TO REVIEW THE ENTIRE LICENSING PROCESS FOR LIQUOR, WINE AND BEVERAGES

2 members appointed by Governor

2 Senators appointed by President

2 Representatives appointed by Speaker

HB 1418 (Chapter 257:12, Laws of 1990) COMMITTEE TO STUDY THE FEASIBILITY OF LICENSING THOSE FACILITIES WHICH PURSUANT TO RSA 170-E:3, I(e) ARE EXEMPTED FROM LICENSING

1 Representative appointed by Speaker

1 Senator appointed by President

1 representative of Business and Industry Association of NH, appointed by association

1 representative of the NH Ski Area Operators Association, appointed by association

2 representatives of those facilities described in RSA 170-E:3, I(e), appointed by Governor

2 representatives of the Department of Health and Human Services, appointed by the Commissioner

SB 323 (Chapter 152, Laws of 1990) COMMITTEE TO STUDY THE FEASIBILITY OF A STATE AGENCY OFFICE COMPLEX

3 Senators appointed by President

3 Representatives appointed by Speaker

Commissioner, Administrative Services or designee
 Director, Public Works and Transportation, Department of Transportation or designee

SB 374 (Chapter 280, Laws of 1990) COMMITTEE TO EXAMINE PROBATE COURT REPORTING REQUIREMENTS

2 Senators appointed by President
 2 Representatives appointed by Speaker
 1 probate judge appointed by the Supreme Court
 Director, Charitable Trusts, Department of Justice
 1 attorney from NH Bar Association, appointed by Association President
 1 representative from Division of Elderly and Adult Services, appointed by Commissioner, Department of Health and Human Services
 1 register of probate appointed by Supreme Court
 1 attorney appointed by Chief Justice of the Supreme Court
 1 bank trust officer, appointed by NH Bankers Association
 1 member of Office of Public Guardian, appointed by Director of organization
 3 public members who shall not be attorneys, appointed by Governor

SB 403 (Chapter 159, Laws of 1990) COMMITTEE TO STUDY THE FEASIBILITY OF HEALTH INSURANCE RISK POOL FOR UNINSUREABLES

1 Senator appointed by President
 1 Representative appointed by Speaker
 Insurance Commissioner or designee
 1 member of the public appointed by Governor
 1 representative from NH Blue Cross and Blue Shield appointed by organization
 1 representative of a NH health maintenance organization appointed by Insurance Commissioner
 1 representative of a commercial insurance carrier appointed by Insurance Commissioner
 1 NH insurance agent appointed by Insurance Commissioner

RSA 12-G:4 PEASE DEVELOPMENT AUTHORITY (established: SB 351, Chapter 161:4, I, Laws of 1990)

- (a) 1 director by the Governor and Council
- (b) 1 director by the President of the Senate
- (c) 1 director by the Speaker of the House
- (d) 1 director by Board of Selectmen of the town of Newington
- (e) 1 director by the Mayor and City Council of the city of Portsmouth

RSA 17-I:7 - LEGISLATIVE HISTORICAL COMMITTEE ADVISORY BOARD (established HB 1191, Chapter 59, Laws of 1990)

State Curator, Nancy Muller
 State Archaeologist, Dr. Gary Hume
 State Archivist, Dr. Frank Mevers
 1 member of the general public appointed by Speaker
 1 member of the general public appointed by President

RSA 126-A:8 - OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES (amended: HB 1353, Chapter 228, Laws of 1990)

3 Senators, at least one of whom shall be a member of Senate Public Institutions/Health and Human Services Committee, appointed by President

5 Representatives appointed by Speaker from Health, Human Services and Elderly Affairs Committee

5 members, one from each division within the Department of Health and Human Services, appointed by Commissioner

RSA 149-H HAZARDOUS MATERIAL TRANSPORTATION ADVISORY BOARD

(expanded: HB 745, Chapter 47, Laws of 1990)

Commissioner, Department of Safety or designee

Director, Fire Services Division, Department of Safety or designee

Commissioner, Department of Transportation or designee

Director, Division of Water Supply and Pollution Control or designee

Director, Division of Public Health Services or designee

Chairman, Public Utilities Commission or designee

Director, Aeronautics, Department of Transportation or designee

Director, Emergency Management or designee

1 Senator appointed by President

1 Representative appointed by Speaker

A representative of each the following appointed by Governor and Council:

Hazardous Material Carrier industries for highway, air and water modes of transportation

1 representative of hazardous material user industry

1 representative of hazardous material manufacturing or distributing industry

1 active police chief designated by NH Chiefs of Police

1 active fire chief designated by Association of NH Fire Chiefs

4 members from the general public who reside near a railway, waterway, airway, or roadway, over which hazardous material is transported

RSA 161-F:7, 1 - STATE COMMITTEE ON AGING (amended: HB 1114, Chapter 193:3, Laws of 1990)

3 members appointed by Governor and Council from *each* of the 5 Councilor Districts

Joe B. Parks, Chairman, Joint Legislative Committee on Elderly Affairs

1 Representative appointed by Speaker

1 Senator appointed by President

RSA 216-A:15 - ADVISORY COMMITTEE TO ADVISE THE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT ON THE DEVELOPMENT OF THE NEW HAMPSHIRE HERITAGE TRAIL (established: SB 309, Chapter 263, Laws of 1990)

Representatives of the following organizations, appointed by Governor

(1) Merrimack River Watershed Commission

(2) Pemigewasset River Council

(3) Connecticut River Valley Resource Commission

(4) Society for the Protection of NH Forests

(5) Nashua Regional Planning Commission

(6) NH Association of Conservation Commissions

(7) North Country Council

(8) Lakes Region Planning Commission

(9) Southern Regional Planning Commission

(10) Central Regional Planning Commission

(11) 3 at large members representing affected communities, 1 of whom shall be a community parks director

(12) Appalachian Mountain Club

1 Representative appointed by Speaker

1 Senator appointed by President

The following departments and agencies shall each designate one nonvoting member:

(a) Department of Resources and Economic Development

(b) Fish and Game Department

(c) Division for Children and Youth Services

(d) Division of Historical Resources

(e) Department of Agriculture

(f) Office of State Planning

(g) Department of Transportation

(h) Division of Water Resources

RSA 281-A:62 - ADVISORY COUNCIL ON WORKERS' COMPENSATION

(amended: HB 1409, Chapter 254:35, Laws of 1990)

Repeals and reenacts as follows:

Labor Commissioner or designee

Insurance Commissioner or designee

1 Representative appointed by Speaker

1 Senator appointed by President

3 persons appointed by Governor and Council (1 representing the interests of management, 1 representing the interests of labor, and 1 representing insurers who provide Workers' Compensation coverage)

**BILLS INDEFINITELY POSTPONED
BY JOINT RULE 24 (b)**

HB 381, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs.

HB 425, revising the school building aid system.

HB 435, making an appropriation for health services for young children.

HB 575-FN, relative to campaign financing.

HB 685-FN, relative to tenant evictions.

HB 705-FN, relative to drug-free school zones and making appropriations therefor.

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration.

HB 1325, relative to eligibility under the aid to the permanently and totally disabled program.

HB 1349, (New Title) relative to increasing provider participation in the medicaid program and making an appropriation therefor.

HB 1367-A, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building.

SB 57, (New Title) relative to mandatory waste reduction and recycling for state agencies.

SB 325, (New Title) establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

SB 326, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor.

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages.

CACR 21, relating to the term of the governor. Providing that the term shall be 4 years.

RESIGNATIONS, DEATHS, ELECTIONS**RESIGNED**

| | | |
|----------|-----------|-------------------------------|
| 01/04/89 | Hills. 26 | Rousseau, Lucien G., Jr., d&r |
| 02/01/89 | Graf. 10 | Rounds, Bruce C., r |
| 03/01/89 | Hills. 28 | Hidalgo, Hector J., d |
| 03/14/89 | Hills. 20 | Jones, Michael E., r |
| 07/14/89 | Hills. 23 | Hatch, William H., r&d |
| 08/10/89 | Hills. 46 | Racicot, Rachel I., r |
| 08/16/89 | Hills. 25 | Long, Linda D., d |
| 09/01/89 | Belk. 3 | White, James J., r |
| 09/14/89 | Hills. 24 | Guilbert, Lionel, d |
| 10/10/89 | Graf. 6 | Eno, Larry E., r |
| 10/17/89 | Rock. 10 | Palumbo, Vincent J., Jr., r |
| 12/12/89 | Hills. 26 | Derosier, Ann M., d |
| 01/03/90 | Carr. 6 | Chase, Russell C., r |
| 01/04/90 | Straf. 9 | Meserve, John H., r |
| 01/16/90 | Sull. 7 | Lucier, Edward A., d&r |
| 03/12/90 | Rock. 6 | Forsythe, Douglas G., r&d |
| 09/22/90 | Belk. 5 | Ballou, Richard A., r |
| 09/28/90 | Rock. 23 | Wright, David B., r&d |
| 11/17/90 | Rock. 20 | Vartanian, Elsie, r |

DECEASED

| | | |
|----------|-----------|---------------------------|
| 12/30/88 | Hills. 13 | Granger, Guy R., r |
| 03/18/89 | Hills. 17 | Eaton, Clyde S., r |
| 05/16/89 | Merr. 17 | Manus, Mark E., r |
| 07/29/89 | Hills. 41 | Genest, Fernand A., d |
| 11/02/89 | Sull. 7 | Brodeur, Robert J., d |
| 04/30/90 | Rock. 25 | Sanderson, Patricia O., d |
| 05/29/90 | Graf. 2 | Weymouth, Philip H., r |
| 10/09/90 | Hills. 39 | Soucy, Lillian E., d |
| 10/15/90 | Rock. 21 | Mace, Ada L., r |

SPECIAL ELECTIONS**DISTRICT**

| | |
|-----------|----------------------------------|
| Graf. 10 | Shackett, Ralph E., r |
| Hills. 26 | Andrews, Frederick B., r |
| Hills. 13 | Flood, Jacqueline J., d |
| Hills. 17 | Hanselman, Gregory L., i |
| Merr. 17 | Bennett, J. Allen, r |
| Hills. 23 | Gerow, Sezen, d |
| Hills. 25 | Cote, David E., d |
| Hills. 28 | Haettenschwiller, Alphonse A., d |
| Hills. 41 | Leclerc, Charles J., d |
| Hills. 20 | Lawrence, Eva M., r |
| Belk. 3 | Salatiello, Thomas, d |
| Hills. 46 | Paquette, Rodolphe G., d |
| Hills. 24 | Spaloss, Henry F., d |
| Rock. 10 | Weyler, Kenneth L., r |
| Graf. 6 | White, Paul R., r |

TOOK OATH

| |
|----------|
| 04/05/89 |
| 04/26/89 |
| 04/26/89 |
| 08/02/89 |
| 09/27/89 |
| 11/01/89 |
| 11/21/89 |
| 11/21/89 |
| 11/21/89 |
| 12/06/89 |
| 12/20/89 |
| 12/20/89 |
| 01/31/90 |
| 01/31/90 |
| 01/31/90 |

400 State Representatives

R - 237 R&D - 32 269

D - 89 D&R - 28 117

I - 1

Currently elected and qualified: 387

Vacancies due to: 5 deaths

8 resignations

HOUSE JOURNAL

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| | |
|----------------|--|
| adop | adopted |
| am | amended, amendment |
| Approp | referred to Appropriations committee |
| conc | concurred, concurrence |
| conf | conference committee |
| enr | enrolled |
| Exec. Depts | referred to Executive Departments and Administration committee |
| ext | extension of time for hearing |
| intro | introduced, introduction |
| IP | indefinitely postponed |
| K | killed (inexpedient to legislate) |
| LT | laid on table |
| nonconc | nonconcurred |
| opin | opinion |
| psd | passed |
| RC | roll call |
| remit | recommitted |
| recon | reconsideration, reconsidered |
| rej | rejected |
| rem | removed from consent calendar |
| rep | report |
| req | requests, requested |
| S | Senate |
| S Ct | New Hampshire Supreme Court |
| SO | special order |
| SS | special session |
| study | referred to interim study committee |
| Ways and Means | referred to Ways and Means committee |
| withd | withdrawn |

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HOUSE BILL

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K 85
- HB 591-FN**, requiring grocery stores to mark each packaged item offered for sale with a price.
am & Approp 72-73, am 360, psd 383, conc S am 889, enr 934 (Chapter 120)
- HB 592-FN**, relative to a minimum service retirement allowance for group I members with 20 or more years of creditable service.
study 85, 1069
- HB 596-FN**, limiting personal liability of fire department and emergency rescue services personnel.
New title: limiting personal liability of certain fire department, emergency service, and rescue squad members.
am 87-88, psd 141, S conc 568, enr 789 (Chapter 14)
- HB 612-FN**, relative to nursing home care costs paid by counties.
New title: establishing a committee to study nursing home care costs paid by counties.
am 86-87, psd 141, S nonconc 352
- HB 614-FN**, relative to public welfare fraud.
K 175
- HB 624-FN**, relative to penalties for violations of motor vehicle laws by minors.
K 71
- HB 631-FN**, relative to railroad consolidation with other public utilities or common carriers.
psd 103, 141, S nonconc 793
- HB 639-FN**, relative to the disposition of acquired rail properties.
New title: relative to the disposition of acquired or abandoned rail properties.
am 103-104, psd 141, conc S am 854, enr 916 (Chapter 94)
- HB 660-FN**, establishing a statewide conference on families.
K 72
- HB 665-FN**, establishing an advisory board on boating.
study 184-185, 1069
- HB 669**, prohibiting non-biodegradable single use plastic items.
K 165

- HB 670-FN**, relative to public accommodation of physically handicapped persons.
psd 172, 188, conc S am 922, enr am 1028, enr 1054 (Chapter 170)
- HB 674-FN**, relative to the community spouse under the Catastrophic Aid Act.
New title: relative to the Catastrophic Aid Act.
am 172-173, psd 188, S conc 467, enr 569 (Chapter 7)
- HB 685-FN**, relative to tenant evictions.
rem 69, am 136-138, psd 141, nonconc S am, conf 919, 979, IP 1083
- HB 686**, relative to cable television franchises.
K 73
- HB 690**, relative to surplus funds and expenditures by candidates.
remt 164, am 298-300, psd 349 (K)
- HB 696-FN**, to define public safety hazardous duty employees for New Hampshire retirement system purposes.
New title: to include probation and parole officers in group II of the New Hampshire retirement system.
am & K (RC) 120-125
- HB 700-FN**, changing the penalty for felonious use of firearms.
New title: imposing minimum mandatory sentences for felonious use of firearms.
am & Approp 88-90, rem 360, psd (RC) 379-382, 383, conc S am 854, enr 916 (Chapter 95)
- HB 705-FN**, relative to drug-free school zones and increasing penalties for drug offenses.
First new title: relative to drug-free school zones.
Second new title: relative to drug-free school zones and making appropriations therefor.
rem 69, am & Approp 130-133, psd (RC) 426-429, 461, nonconc S am, conf 951, 979, IP 1083
- HB 716**, to codify certain boating and water safety rules.
am 104-107, psd 142, conc S am 924, enr am 1028, enr 1055 (Chapter 171)
- HB 719-FN**, relative to a minimum service retirement allowance for group II members.
study 85-86, 1069
- HB 723-FN**, regarding the acid rain control act.
am 166-168, psd 188, conc S am 922, enr 1053 (Chapter 172)
- HB 725-FN**, relative to the highway fund.
am & Approp 93, psd 360, 383, S nonconc 925
- HB 730-FN**, relative to local cease and desist orders for zoning, planning and code violations.
am 91-93, psd 141, S nonconc 352
- HB 731**, dedicating the state police barracks in Milford to Major John T. Conti.
First new title: dedicating the state police barracks in Milford.
Second new title: rededicating the state police barracks in Epping.
Third new title: relative to a state police barracks honor roll.
am 93-94, psd 141, nonconc S am, conf 859, 936, rep adop 1021, enr am 1048, enr 1053 (Chapter 173)
- HB 732**, relative to family and catastrophic medical leave standards.
K 176
- HB 734-FN**, creating a solid waste landfill reduction and cleanup program.
study 112, 1069
- HB 745-FN**, relative to the hazardous material transportation advisory board.
am 168-169, psd 188, conc S am 795, enr 855, appointments 1081 (Chapter 47)
- HB 746-FN**, regarding waste reduction and recycling and imposing a disposal fee on certain containers and products.
New title: establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees.
am 169-171, psd 188, S conc 569, enr 789, appointments 1073 (Chapter 15)
- HB 756-FN**, relative to a housing appeals board and making an appropriation therefor.
New title: relative to cluster development and multi-family dwellings.
rem 69, am 135-136, psd 141, nonconc S am, conf 795, 936, rep adop 1004, enr am 1048, enr 1053 (Chapter 174)
- HB 759-FN**, relative to electronic surveillance in drug investigations; bail for drug offenders; telephonic search warrants; and deposition and discovery.
New title: relative to electronic surveillance in drug investigations.
am 175-176, psd 188, S conc 812, enr 916 (Chapter 96)

1990 BILLS

- HB 1001-FN**, increasing agent fees for fish and game licenses. (Dionne of Str. 5 et al - To Fish and Game)
41, am 194, psd 217, conc S am 795, enr 855 (Chapter 48)
- HB 1002**, prohibiting the operation of ski craft on Lake Opechee in the city of Laconia. (Rosen of Bel. 9; Sen. Freese - To Transportation)
41, K 285
- HB 1003**, relative to prima facie speed limits on local roads. (Schmidtchen of Rock. 23 - To Transportation)
41, am 665, psd 711, conc S am 854, enr 916 (Chapter 74)
- HB 1004-FN**, relative to the tax abatement procedure. (Perry of Ches. 10 - To Municipal and County Government)
41, am 195, psd 218, conc S am 795, enr 855 (Chapter 49)
- HB 1005-FN**, relative to the Chester, Fremont, and Epping school districts. (Benton of Rock. 5; McCain of Rock. 11 - To Education)
42, K 304
- HB 1006-FN**, repealing the boat safety fund. (Vogler of Bel. 4 - To Transportation)
42, K 285
- HB 1007**, relative to limiting hunting in the town of Candia. (Seward of Rock. 3; Sen. Johnson - To Fish and Game)
42, K 233
- HB 1008**, relative to delivery of bills by manufactured housing park owners. (Doucette of Ches. 17 et al - To State Institutions and Housing)
42, K 340
- HB 1009-FN-A**, authorizing wagering on sporting events. (Bucu of Rock. 20 - To Regulated Revenues)
42, K (RC) 335-339
- HB 1010**, relative to annual school meetings. (Warburton of Rock. 6; Jasper of Hil. 19 - To Education)
42, K 648
- HB 1011**, relative to moveable blades of hunting arrow tips. (Boucher of Rock. 23 - To Fish and Game)
42 study 194, 1069
- HB 1012-FN**, establishing a study committee on allowing jurors to ask questions during trials. (Green of Hil. 36 - To Judiciary)
42, K 490
- HB 1013**, reviving the charter of the New Hampshire Karting Association. (Schmidtchen of Rock. 23 - To Constitutional and Statutory Revision)
New title: reviving the charters of the New Hampshire Karting Association and Loctite Luminescent Systems, Inc. and relating to powers of the New Hampshire Historical Society.
42, psd 266, 348, conc S am 860, enr 934 (Chapter 121)
- HB 1014-FN**, relative to facilities licensed under RSA 151. (Parks of Str. 6 - To Health, Human Services and Elderly Affairs)
42, Approp 271, K 636
- HB 1015**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Scanlan of Graf. 11 - To Transportation)
First new title: prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton and limiting the horsepower of petroleum-powered motors on Lake Katherine in the town of Piermont.
Second new title: relative to operation of seaplanes and helicopters in emergencies.
42, am 665-666, psd 711, nonconc S am, conf 919, 980, rep adop 1010, enr am 1050, enr 1055 (Chapter 175)
- HB 1016** relative to altering town highway classification from class V to class VI. (Beaton of Mer. 3; Nichols of Mer. 2 - To Municipal and County Government)
New title: relative to altering municipal highway classifications.
42, am 436, psd 461, conc S am 854, enr 916 (Chapter 97)
- HB 1017-FN**, prohibiting vendors from requiring a customer to present a major credit card when paying by check. (Searles of Hil. 19 - To Commerce, Small Business and Consumer Affairs)
New title: relative to vendor check cashing policies.
42, am 682-683, psd 712, S nonconc 813

- HB 1018-FN**, relative to the penalties for bail jumping. (Gage of Rock. 13 - To Judiciary)
42, am 653, psd 711, S conc 812, enr 855 (Chapter 50)
- HB 1019-FN**, relative to an optional elderly property tax credit. (Conroy of Rock. 7 et al - To Municipal and County Government)
42 K 487
- HB 1020**, relative to motors and horsepower of motors on Elbow Pond in the town of Andover. (Bardsley of Mer. 1 - To Transportation)
New title: relative to motors and horsepower on Lake Katherine in the town of Piermont.
42 psd 442, 461, nonconc S am, conf 859, 936, rep adop 1004, enr am 1050, enr 1052 (Chapter 176)
- HB 1021-FN**, establishing a committee to study fixed terms for judges. (Green of Hil. 36 - To Judiciary)
42, K 390
- HB 1022-FN-A**, relative to the Glendale boat house and making an appropriation therefor. (Pearson of Bel. 5 et al - To Public Works)
42, K 278
- HB 1023-FN**, increasing the percentage of the real estate transfer tax returned to the register of deeds or the county. (Record of Hil. 23; Ahrens of Hil. 13 - To Ways and Means)
42, K 257-258
- HB 1024-FN-A**, making an appropriation to hire a consultant to evaluate the foundation aid formula. (Bolduc of Bel. 10 et al - To Education)
42, rem 265, am & Approp 341-342, K 637
- HB 1025**, relative to limited liability for volunteers. (Gage of Rock. 13 et al - To Judiciary)
42, am 570-571, psd 633, S conc 888, enr 916 (Chapter 116)
- HB 1026**, relative to the definition of public access to public waters. (Boucher of Rock. 23; Wiggin of Car. 4 - To Resources, Recreation and Development)
43, am 281-282, psd 349, nonconc S am, conf 919, 980, rep adop 1004, enr 1054 (Chapter 177)
- HB 1027-FN**, establishing a black bear management program and requiring a special bear license. (Drake of Rock. 18; Perham of Hil. 10 - To Fish and Game)
New title: establishing a black bear management program and requiring a special bear license and relative to the rules regarding taking of marine species.
43, am & Approp 233-234, am 637, psd 710, nonconc S am, conf 919, 980, rep adop 1004, enr 1055 (Chapter 178)
- HB 1028**, relative to the number of events at which a club may serve liquor in a year. (Dionne of Str. 5; Perham of Hil. 10 - To Regulated Revenues)
43, am 339, psd 349, nonconc S am, conf 952, 980, rep adop 1004, enr 1054 (Chapter 179)
- HB 1029**, relative to domesticated wild animals. (Cooke of Rock. 20 et al - To Fish and Game)
New title: relative to the sale of venison by licensed propagators.
43, am 481-482, psd 502, S conc 813, enr 885 (Chapter 51)
- HB 1030**, relative to cease and desist orders issued by the director of the division of forests and lands. (Cole of Ches. 10 - To Resources, Recreation and Development)
43, am 391-392, psd 461, S conc 794, enr 802 (Chapter 29)
- HB 1031**, relative to smelt fishing by the physically handicapped. (Boucher of Rock. 23 - To Fish and Game)
43, K 271
- HB 1032-FN-A**, making an annual appropriation to fund the nongame management program. (Perham of Hil. 10 et al - To Fish and Game)
43, K 194
- HB 1033**, relative to fishing in the Connecticut River. (Scanlan of Graf. 11; Dionne of Str. 5 - To Fish and Game)
43, psd 234, 259, S conc 794, enr 802 (Chapter 30)
- HB 1034**, exempting persons permitted to engage in falconry from the importation permit requirement. (Boucher of Rock. 23 - To Fish and Game)
43, psd 271, 349, S conc 888, enr 934 (Chapter 122)
- HB 1035**, relative to biennial fish and game hearings. (Dionne of Str. 5 - To Fish and Game)
43, am 364-365, psd 383, S conc 794, enr 802 (Chapter 31)
- HB 1036-FN**, relative to nonresident and resident wholesale marine species licenses. (Drake of Rock. 18 - To Fish and Game)
43, psd 365, 383, S conc 794, enr 802 (Chapter 32)

- HB 1037-FN-A**, establishing a committee to recodify municipal laws and making an appropriation therefor. (Perry of Ches. 10 - To Municipal and County Government)
43, K 195
- HB 1038-FN**, eliminating the tax stamp on lucky 7 tickets. (Simon of Rock. 9; Hynes of Rock. 28 - To Regulated Revenues)
New title: relative to revenue raising measures and certain appropriations.
43, Ways and Means 197, am (RC) 547-552, psd 567, S conc 750, enr 788 (Chapter 8)
- HB 1039-FN-A**, relative to a bingo fee. (Simon of Rock. 9 et al - To Regulated Revenues)
43, am & Ways and Means 198, rem 504, psd (RC) 556-560, 567, S conc 924, enr 934 (Chapter 123)
- HB 1040-FN**, relative to civil and criminal penalties in the safe drinking water act. (Avery of Ches. 5 - To Resources, Recreation and Development)
43, am 234-235, psd 259, S conc 794, enr 802 (Chapter 33)
- HB 1041**, relative to conflict of interest laws concerning town officials. (Malcolm of Rock. 17 - To Municipal and County Government)
43, K 572
- HB 1042-A**, relative to construction of a new Rockingham county courthouse at Brentwood and making an appropriation therefor. (Schmidtchen of Rock. 23 - To Public Works)
43, K 278
- HB 1043-A**, relative to the Hampton district court and making an appropriation therefor. (Felch of Rock. 14 et al - To Public Works)
43, rem 229, K 259
- HB 1044**, relative to fees of notaries public. (Lawrence of Hil. 20 - To Constitutional and Statutory Revision)
New title: relative to fees of justices of the peace and notaries public.
43, rem 229, am 258, psd 259, S conc 569, enr 789 (Chapter 16)
- HB 1045-FN**, to provide rulemaking notice to municipalities and legislators. (Sherburne of Rock. 2 - To Executive Departments and Administration)
43, study 307, 1069
- HB 1046**, relative to the declaration of purpose for the planning and zoning laws. (Frank of Hil. 13 - To Municipal and County Government)
44, am 609-610, psd 633, nonconc S am, conf 919, 980, rep adop 1005, enr 1054 (Chapter 180)
- HB 1047**, establishing a commission with the state of Maine on Lake Umbagog. (Sherburne of Rock. 2; Sen. Bond - To Resources, Recreation and Development)
44, psd 371, 384, S conc 859, enr 916 (Chapter 75)
- HB 1048-FN**, relative to rabies control of dogs. (Riley of Hil. 44 - To Public Protection and Veterans Affairs)
44, am 195-196, psd 218, S conc 569, enr 789 (Chapter 17)
- HB 1049-FN**, relative to fishing licenses for non-institutionalized developmentally disabled persons. (Hill of Ches. 14 et al - To Fish and Game)
44, am 311, psd 349, S conc 812, enr 855 (Chapter 52)
- HB 1050-FN**, relative to "junk fax". (Avery of Ches. 5; Spear of Ches. 13 - To Science, Technology and Energy)
44, am 760, psd 788, S study 813, 1069
- HB 1051-FN**, relative to fur-buying licenses. (Drake of Rock. 18; Perham of Hil. 10 - To Fish and Game)
44, K 194
- HB 1052**, authorizing withdrawal of water from Lake Sunapee and Echo Lake for the ski resorts. (Dickinson of Car. 2 et al - To Resources, Recreation and Development)
New title: relative to a public trust grant for Mount Sunapee and Cannon Mountain ski resorts' snowmaking.
44, am 703-704, psd 712, conc S am 893, enr 934 (Chapter 124)
- HB 1053**, relative to the patients' bill of rights. (Parks of Str. 6 - To Health, Human Services and Elderly Affairs)
44, psd 271, 349, S conc 569, enr 789 (Chapter 18)

- HB 1054**, authorizing a memorial for certain veterans of Korea and Vietnam. (Ballou of Bel. 5 et al - To Public Protection and Veterans Affairs)
First new title: relative to memorials for veterans.
Second new title: relative to memorials for veterans and relative to the real estate exemption for surviving spouses of veterans.
44, am 367-368, psd 383, conc S am 860, enr 946 (Chapter 125)
- HB 1055-FN**, repealing the motorcycle rider education and the motorcycle rider safety fund. (Soldati of Mer. 19 - To Transportation)
44, K 201
- HB 1056**, relative to the revocation of hunting and fishing licenses and to hunting dog training. (Foster of Car. 4 et al - To Fish and Game)
44, study 482, 1069
- HB 1057-FN-A**, relative to a fee for lucky 7 tickets. (Simon of Rock. 9 et al - To Regulated Revenues)
44, Ways and Means 197-198, rem 504, psd (RC) 560-563, 567, conc S am 952, enr 1053 (Chapter 181)
- HB 1058-FN-A**, regarding restoration and preservation of state historic flags and making an appropriation therefor. (Hoar of Rock. 6 et al - To Public Protection and Veterans Affairs)
44, am & Approp 196-197, psd 637, 710, S conc 794, enr 802, appointments 1073 (Chapter 34)
- HB 1059**, relative to the application process for solid waste facilities. (Wright of Rock. 23 - To Environment and Agriculture)
44, K 267
- HB 1060-FN**, establishing a committee to study medical injury compensation and discipline of physicians. (Burling of Sul. 1 - To Commerce, Small Business and Consumer Affairs)
44, psd 749, 788, nonconc S am, conf 920, rep adop 1005, enr 1053, appointments 1073-1074 (Chapter 182)
- HB 1061-FN**, relative to old age assistance and aid to the permanently and totally disabled. (Copenhaver of Graf. 12 et al - To Health, Human Services and Elderly Affairs)
44, rem 265, rcmt 343-344, study 689-690, 1069
- HB 1062**, relative to record books kept by registers of deeds. (Record of Hil. 23; Ahrens of Hil. 13 - To Municipal and County Government)
New title: relative to record books kept by the registers of deeds and relative to the relinquishment of any rights of the state in certain real property owned by Winconia, Incorporated in Laconia, New Hampshire.
44, psd 365, 383, nonconc S am, conf 920, 980, 990, rep adop 1010, enr 1055 (Chapter 183)
- HB 1063**, recalling famous American leaders. (McDowell of Hil. 29 et al - To Constitutional and Statutory Revision)
44, K 248
- HB 1064-FN**, relative to discounts for the sale of wine. (Behrens of Sul. 3; Kelley of Hil. 13 - To Regulated Revenues)
45, am & Ways and Means 198-199, SO 543, K (RC) 563-566
- HB 1065-A**, making an appropriation to fund certain construction at the New Hampshire technical institute. (LaMott of Graf. 5 et al - To Public Works)
45, K 278
- HB 1066-FN**, establishing a study committee for the fourth position on the megabucks computer. (Simon of Rock. 9 et al - To Regulated Revenues)
New title: relative to the operation of bingo games.
45, am 370, psd 383, S conc 794, enr 802 (Chapter 35)
- HB 1067-FN**, providing for a statewide advisory referendum. (Shackett of Graf. 10; Flanagan of Rock. 8 - To Constitutional and Statutory Revision)
45, study 304, 1070
- HB 1068**, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds. (Millard of Mer. 4 - To Environment and Agriculture)
45, am 478, psd 501, S conc 813, enr 946 (Chapter 126)
- HB 1069-FN**, relative to the dig-safe law. (Randall of Bel. 2 - To Science, Technology and Energy)
45, am 284-285, psd 349, conc S am 861, enr 916 (Chapter 98)
- HB 1070-FN-A**, relative to the data processing and computer management study committee and making an appropriation therefor. (Randall of Bel. 2 - To Executive Departments and Administration)
45, Approp 193, am 721-722, psd 787, nonconc S am, conf 976, rep adop 1005, enr 1055 (Chapter 184)

- HB 1071-FN**, relative to the salaries of direct care employees at certain state institutions. (McCann of Str. 7 - To Executive Departments and Administration)
45, study 268, 1070
- HB 1072-FN**, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation. (Packard of Hil. 15 et al - To Commerce, Small Business and Consumer Affairs)
45, psd 288, 349, S conc 859, enr 915 (Chapter 76)
- HB 1073**, relative to sales representatives' contracts. (Hunt of Ches. 9 et al - To Commerce, Small Business and Consumer Affairs)
45, psd 388-389, 460, conc S am 922, enr 995 (Chapter 185)
- HB 1074**, relative to annual audits of consumer cooperative associations. (Apple of Mer. 9 - To Commerce, Small Business and Consumer Affairs)
45, am 683-684, psd 712, S conc 859, enr 916 (Chapter 77)
- HB 1075**, relative to location of court hearings in abuse or neglect cases. (Trombly of Mer. 4 - To Children, Youth and Juvenile Justice)
45, psd 229, 259, conc S am 795, enr 855 (Chapter 53)
- HB 1076-FN**, relative to administrative forfeiture. (Gage of Rock. 13 - To Judiciary)
45, K 317-318
- HB 1077-FN**, relative to unemployment compensation for unemployment due to lockouts. (Woodburn of Coos 6 - To Labor, Industrial and Rehabilitative Services)
45, K 491
- HB 1078**, relative to the authority of the Gunstock Area to use borrowed money for capital improvements. (Randall of Bel. 2 - To Public Works)
45, psd 390, 460, conc S am 923, enr 982 (Chapter 127)
- HB 1079-FN**, relative to qualifying for the veterans' property tax exemption. (G. Katsakiores of Rock. 7; P. Katsakiores of Rock. 7 - To Municipal and County Government)
45, K 390
- HB 1080-FN-A**, making a supplemental appropriation for the board of tax and land appeals. (Perry of Ches. 10 - To Municipal and County Government)
45, Approp 255, K 637
- HB 1081**, relative to the membership of the fish and game commission. (Hoar of Rock. 6 et al - To Fish and Game)
45, psd 194, 218, conc S am 854, enr 916 (Chapter 78)
- HB 1082-FN-A**, making an appropriation to the Wallop-Breaux fund. (Boucher of Rock. 23 - To Appropriations)
45, rem 360, am 382-383, psd 383, S conc 924, enr 934 (Chapter 128)
- HB 1083**, establishing speed limits for the operation of OHRVs. (Scanlan of Graf. 11 - To Transportation)
New title: establishing speed limits for the operation of OHRVs and increasing OHRV registration fees.
45, am 666-667, psd 711, nonconc S am, conf 976, rep adop 1005, enr am 1048-1049, enr 1053 (Chapter 186)
- HB 1084-FN**, relative to continuing care communities. (Parks of Str. 6 - To Health, Human Services and Elderly Affairs)
46, psd 649, 711, S conc 794, enr 802 (Chapter 36)
- HB 1085-FN**, establishing a committee to study methods of protecting the stratospheric ozone layer by eliminating unnecessary emissions of ozone-depleting chemicals. (Musler of Str. 3 et al - To Environment and Agriculture)
46, K 570
- HB 1086-FN**, relative to costs to counties of incarcerated individuals. (Warburton of Rock. 6 - To Municipal and County Government)
46, K 365
- HB 1087-FN-A**, establishing a board to review any police action resulting in an injury or death. (Jacobson of Mer. 2 - To Public Protection and Veterans Affairs)
46, K (RC) 206-210
- HB 1088**, relative to rules in manufactured housing parks. (Lozeau of Hil. 25 - To State Institutions and Housing)
46, K 376

- HB 1089**, repealing the 2 year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations. (Gage of Rock. 13 - To Judiciary)
46, K 653
- HB 1090-FN**, relative to state regulatory board and commission members. (Green of Hil. 36 - To Executive Departments and Administration)
46, K 362
- HB 1091-FN**, changing the weighted factors in the foundation aid formula. (Bolduc of Bel. 10 et al - To Education)
46, K 304
- HB 1092-FN**, relative to equity sharing in low and moderate income housing. (Vartanian of Rock. 20 - To State Institutions and Housing)
First new title: relative to equity sharing in low and moderate income housing and reverse equity loans.
Second new title: relative to low and moderate income housing, equity sharing, and reverse equity loans.
46, am 630-631, psd 634, conc S am 924, enr 994 (Chapter 187)
- HB 1093**, relative to the duties of moderators at elections. (Oleson of Coos 7 - To Constitutional and Statutory Revision)
46, K 477
- HB 1094-FN-A**, establishing a task force on illegal drug sales and use and making an appropriation therefor. (Chambers of Graf. 12 et al - To Children, Youth and Juvenile Justice)
46, K 230
- HB 1095-FN**, relative to merchants' credit card policies. (Packard of Hil. 15 et al - To Commerce, Small Business and Consumer Affairs)
46, K 684
- HB 1096-FN**, establishing a committee to study the feasibility of developing a statewide trauma care system. (Cowenhoven of Hil. 9 et al - To Health, Human Services and Elderly Affairs)
46, am 482-483, psd 502, conc S am 860, enr 916, appointments 1074 (Chapter 99)
- HB 1097**, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting. (Fair of Mer. 7 et al - To Municipal and County Government)
First new title: legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett.
Second new title: relative to legalizing actions taken at town and school district meetings and to the collection of the town portion of taxes in the town of Hooksett.
Third new title: legalizing actions taken at town, school district and district meetings and relative to the collection of the town portion of taxes in the town of Hooksett.
46, am 572-573, psd 633, nonconc S am, conf 920, 980, rep adop 1005, enr am 1050, enr 1055 (Chapter 188)
- HB 1098-FN-A**, to appropriate \$50,000 for the annual meeting of the Eastern Regional Conference of the Council of State Governments. (Sytek of Rock. 20 et al - To Legislative Administration)
46, K 276
- HB 1099**, relative to controlled drugs and pharmacy licensing. (Sytek of Rock. 20 - To Health, Human Services and Elderly Affairs)
46, am 311-312, psd 349, conc S am 889, enr 934 (Chapter 129)
- HB 1100**, relative to the time for placing zoning amendments on the ballot in towns. (McKinney of Rock. 23 - To Municipal and County Government)
New title: relative to the time for submitting proposed zoning ordinance amendments to the town clerk.
46, am 573-574, psd 633, S conc 812, enr 855 (Chapter 54)
- HB 1101-FN**, relative to welfare costs paid by the county to the state of New Hampshire. (Barry of Hil. 10 et al - To Health, Human Services and Elderly Affairs)
47, Approp 312, K 739
- HB 1102-FN**, relative to Route 16 in Conway. (Chandler of Car. 1 et al - To Public Works)
47, am 575-576 psd 633, conc S am 986, enr 1053 (Chapter 189)
- HB 1103-FN**, relative to the regional fuel tax agreement. (Gordon of Ches. 5 - To Transportation)
47, psd 201, 218, nonconc S am, conf 920, 980, rep adop 1005, enr 1055 (Chapter 190)
- HB 1104**, relative to the motor vehicle laws. (Gordon of Ches. 5 - To Transportation)
47, psd 285, 349, conc S am 854, enr 916 (Chapter 79)

- HB 1105-FN.** relative to acceptance of certain roads as class V highways by towns. (Alukonis of Hil. 19 - To Municipal and County Government)
47, K 365
- HB 1106-FN.** clarifying the applicability of post-licensing provisions to issuer-dealers and the applicability of examination fees to all security issues. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
New title: clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings.
47, am 728-729, psd 787, S conc 859, enr 916 (Chapter 100)
- HB 1107-FN.** relative to interception of wire or oral communications regarding securities fraud. (Packard of Hil. 15 et al - To Judiciary)
New title: relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.
47, am 690-691, psd 712, nonconc S am, conf 920, 980, rep adop 1005, enr 1054 (Chapter 191)
- HB 1108-FN.** establishing a committee to study child care in public and private sector buildings. (Emerton of Hil. 6 et al - To Children, Youth and Juvenile Justice)
47, am 361, psd 383, conc S am 795, enr 855, appointments 1074 (Chapter 55)
- HB 1109-FN.** establishing a committee to study the public utilities commission's authority over small water systems. (Chandler of Car. 1 - To Science, Technology and Energy)
47, K 665
- HB 1110.** relative to the election of Sullivan and Belknap County commissioners. (Schotanus of Sul. 1 et al - To Municipal and County Government)
47, psd 365, 383, S conc 812, enr 885 (Chapter 56)
- HB 1111.** allowing certain capital improvements for energy conservation to be included in the rates of a utility. (Wright of Rock. 23; Merrill of Str. 4 - To Science, Technology and Energy)
New title: allowing certain capital improvements for energy and water conservation to be included in the rates of a utility.
47, am 588-589, psd 633, conc S am 894, enr 934 (Chapter 130)
- HB 1112.** relative to the number of registered voters necessary to petition for an article on a town meeting warrant. (Klemarczyk of Rock. 13; Magoon of Rock. 13 - To Municipal and County Government)
New title: relative to the number of registered voters necessary to petition for an article on a town meeting warrant and removing the requirement that a town have a population of 5,000 or more to elect a board of selectmen of 5 members.
47, psd 493, 502, conc S am 923, enr 994 (Chapter 192)
- HB 1113.** requiring insurance companies handling property and casualty insurance to publish rates. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
47, K 646
- HB 1114-FN-A.** relative to elderly non-institutionalized care and making an appropriation therefor. (Parks of Str. 6 et al - To Health, Human Services and Elderly Affairs)
First new title: establishing a committee to study the care of the elderly and making an appropriation for meals on wheels.
Second new title: relative to a study of care of the elderly and making an appropriation for meals on wheels.
Third new title: relative to a study of care of the elderly and making an appropriation for meals on wheels, relative to the department of health and human services, and relative to certain food service establishments.
47, am & Approp 312-315, am 739-741, psd 788, nonconc S am, conf 952, 980, rep adop 1010, enr 1054, appointments 1081 (Chapter 193)
- HB 1115.** permitting for-profit composting operations on current use lands. (Cole of Ches. 3 - To Environment and Agriculture)
47, K 267
- HB 1116.** relative to notice to lienholders of termination of tenancy of a manufactured housing owner. (Fraser of Mer. 6; Arnesen of Graf. 7 - To Commerce, Small Business and Consumer Affairs)
47, am 389, psd 460, S conc 812, enr 886 (Chapter 57)
- HB 1117.** relative to children attending camp facilities. (Copenhaver of Graf. 12 - To Children, Youth and Juvenile Justice)
48, am 643, psd 711, S conc 888, enr 916 (Chapter 102)

- HB 1118**, relative to hearing ear dogs. (Sochalski of Rock. 23 et al - To Health, Human Services and Elderly Affairs)
New title: relative to the disabled.
 48, am & Approp 483-484, rules suspended 502, psd 722, 787, S conc 888, enr 934 (Chapter 131)
- HB 1119**, relative to subdivision and site plan requests. (Packard of Hil. 15; Bennett of Mer. 17 - To Municipal and County Government)
 48, K 574
- HB 1120**, relative to notice of insurance cancellation. (Fair of Mer. 7; Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
First new title: relative to notice of insurance cancellation and relative to a state-sponsored credit card program.
Second new title: relative to notice of insurance cancellation.
 48, am 729-730, psd 787, nonconc S am, conf 941, 980, rep adop 1010, enr 1054 (Chapter 194)
- HB 1121**, relative to amending or repealing subdivision regulations by petition. (Phelps of Mer. 1 - To Municipal and County Government)
 48, K 365
- HB 1122-FN**, establishing a study committee on promoting the Kona Wildlife Area in the town of Moultonborough as a state park with beach facilities. (Phelps of Mer. 1; Sen. Bartlett - To Resources, Recreation and Development)
New title: establishing a study committee on the best use of the Kona Wildlife Area in the town of Moultonborough.
 48, am 489-490, psd 502, conc S am 893, enr 934, appointments 1074-1075 (Chapter 132)
- HB 1123-FN-A**, appropriating funds for clerical assistance in the bureau of rail safety. (Weddle of Rock. 24 - To Transportation)
 48, K 201
- HB 1124**, prohibiting smoking on buses. (Weddle of Rock. 24 - To Health, Human Services and Elderly Affairs)
 48, K 649
- HB 1125**, requiring court explanation of sentences for certain crimes where imprisonment is not imposed. (Weddle of Rock. 24 - To Judiciary)
 48, K 273
- HB 1126-FN**, authorizing public notification of environmental violations. (Weddle of Rock. 24 et al - To Environment and Agriculture)
 48, K 267
- HB 1127**, relative to disturbances to highway surfaces and adjacent areas and weight limits on municipal highways. (Musler of Str. 3 et al - To Public Works)
 48, K 390
- HB 1128-FN**, requiring licensure of out-of-state mail order pharmacies. (Sytek of Rock. 20 - To Health, Human Services and Elderly Affairs)
 48, psd 649, 711, S study 859, 1070
- HB 1129-FN-A**, authorizing the department of environmental services to clean up the Gilson Road hazardous waste site and making an appropriation therefor. (McCann of Hil. 31 et al - To Environment and Agriculture)
First new title: authorizing the department of transportation to clean up the Gilson Road waste site and making an appropriation therefor.
Second new title: authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor.
Third new title: authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to a town annexation procedure, relative to the waste management council, and relative to toxics in packaging.
Fourth new title: authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to the waste management council, and relative to toxics in packaging.
 48, am & Approp 267-268, am 671-672, psd 712, conc S am 994, enr am 1045, enr 1053 (Chapter 195)
- HB 1130**, relative to health and safety in rental property. (Apple of Mer. 9 - To State Institutions and Housing)
 48, study 497, 1070
- HB 1131**, relative to special interest-bearing accounts for funds of clients of attorneys. (Weddle of Rock. 24 - To Judiciary)
 48, K 273

- HB 1132**, relative to excluding witnesses from criminal trials. (Spear of Ches. 13 - To Judiciary)
48, study 653, 1070
- HB 1133-FN**, relative to the executive secretary of the New Hampshire pharmacy board. (Sytek of Rock. 20 - To Executive Departments and Administration)
48, psd 202, 218, S nonconc 813
- HB 1134-FN**, relative to the right-of-way layouts for timber access. (Schotanus of Sul. 1 et al - To Resources, Recreation and Development)
48, K 658
- HB 1135**, relative to weighted voting in school administrative unit affairs. (Schotanus of Sul. 1 et al - To Education)
48, study 648, 1070
- HB 1136**, relative to filing of annual reports with the secretary of state. (Fields of Hil. 13 - To Constitutional and Statutory Revision)
48, psd 192, 218, S conc 569, conc S am 855, enr 917 (Chapter 103)
- HB 1137**, relative to condominium law. (Vartanian of Rock. 20 - To State Institutions and Housing)
49, am 593, psd 633, S conc 859, enr 916 (Chapter 80)
- HB 1138**, to change the formula for the distribution of highway funds in the Woodsville Fire District. (LaMott of Graf. 5 - To Municipal and County Government)
49, psd 487, 502, S conc 794, enr 802 (Chapter 37)
- HB 1139**, relative to the residence of town health officials. (Golden of Bel. 7 - To Municipal and County Government)
49, K 366
- HB 1140**, relative to the selectmen of towns. (Golden of Bel. 7 - To Municipal and County Government)
49, psd 390, 460, S nonconc 813
- HB 1141**, relative to temporary sewage holding tanks. (Boucher of Rock. 23 - To Resources, Recreation and Development)
49, study 200, 1070
- HB 1142**, relative to divorce. (Jacobson of Mer. 2 - To Judiciary)
49, K 273
- HB 1143**, relative to registration and operation of OHRVs. (G. Katsakiores of Rock. 7; P. Katsakiores of Rock. 7 - To Transportation)
49, am 667, psd 711, S conc 888, enr 946 (Chapter 133)
- HB 1144-FN**, transferring the town of Enfield from the jurisdiction of the Lebanon district court to the jurisdiction of the Hanover district court. (Rose of Graf. 11 - To Judiciary)
49, K 194
- HB 1145-FN**, relative to allowing dogs in all state parks. (Pantelakos of Rock. 24 - To Resources, Recreation and Development)
49, K 392
- HB 1146-FN**, relative to notification to foster parents, adoptive parents, and others of information concerning a child. (Avery of Ches. 5 et al - To Children, Youth and Juvenile Justice)
New title: relative to confidential information concerning a child who is subject to placement with persons or agencies.
49, am 285-287, psd 349, S conc 569, enr 790 (Chapter 19)
- HB 1147-FN**, establishing a committee to study the closure of existing landfills. (Bennett of Graf. 8; Sen. King - To Environment and Agriculture)
49, K 306
- HB 1148**, relative to town meeting authority to assess capital costs concerning sewers. (Pearson of Bel. 5 - To Municipal and County Government)
49, K 574
- HB 1149-FN**, relative to expending national forest reserve funds in unincorporated towns and unorganized places. (Marsh of Coos 1 et al - To Resources, Recreation and Development)
49, psd 235, 259, S conc 569, enr 790 (Chapter 20)
- HB 1150-FN**, relative to the oil pollution control fund. (Vaughn of Rock. 27 - To Resources, Recreation and Development)
49, psd 200, 218, conc S am 923, enr 1053 (Chapter 196)

- HB 1151-FN**, requiring certification of wastewater treatment plant operators. (Marston of Str. 6; Sherburne of Rock. 2 - To Resources, Recreation and Development)
New title: requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.
 49, am 200-201, psd 218, conc S am 923, enr am 1029, enr 1054 (Chapter 197)
- HB 1152**, relative to confidentiality of information regarding videotape rentals. (Spear of Ches. 13 - To Commerce, Small Business and Consumer Affairs)
 49, am 730-731, psd 787, conc S am 889, enr 934 (Chapter 134)
- HB 1153**, adding a name for purposes of workers' compensation and for professional standards review organizations. (Hawkins of Bel. 5 - To Labor, Industrial and Rehabilitative Services)
New title: adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.
 49, am 738-739, psd 788, conc S am 923, enr 994 (Chapter 198)
- HB 1154-FN**, establishing a committee to study the professional conduct of engineers and land surveyors. (Ritzo of Rock. 18 et al - To Executive Departments and Administration)
 49, K 362
- HB 1155**, relative to the register of deeds as a filing officer under article 9-407 of the uniform commercial code. (West of Mer. 21 - To Municipal and County Government)
 49, K 366
- HB 1156**, relative to the order of the placement of candidates' names on ballots. (Phelps of Mer. 1; Stio of Mer. 5 - To Constitutional and Statutory Revision)
 50, am 684-686, psd 712, S nonconc 859
- HB 1157-FN**, relative to capital murder. (Gage of Rock. 13 et al - To Judiciary)
 50, am (RC) 691-698, psd 712, conc S am 923, enr 1053 (Chapter 199)
- HB 1158-FN**, relative to protecting the United States flag from desecration when it is properly displayed on public or private property. (Welch of Rock. 10 et al - To Public Protection and Veterans Affairs)
 50, am 256, psd 259, conc S am 893, enr 934 (Chapter 135)
- HB 1159**, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure. (Gage of Rock. 13 - To Judiciary)
 50, psd 194, 218, S conc 794, enr 790 (Chapter 22)
- HB 1160**, relative to telephone and telegraph company records. (Johnson of Mer. 5 - To Judiciary)
 50, K 273
- HB 1161**, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
 50, am 731-732, psd 787, S conc 812, enr 886 (Chapter 58)
- HB 1162-A**, relative to the railroad banking program and making an appropriation therefor. (Oleson of Coos 7; Teschner of Graf. 5 - To Transportation)
First new title: relative to the railroad banking program.
Second new title: relative to abandoning and disposing of rail properties, relative to the railroad banking program and making an appropriation therefor, relative to suspension and revocation of licenses for certain motor vehicle offenses and creating a supplemental fund.
 50, Approp 341, am 637-638, psd 710, nonconc S am, conf 920, 980, rep adop 1010, enr am 1049, enr 1053 (Chapter 200)
- HB 1163**, raising the amount of property damage to be reported in a motor vehicle accident. (Gordon of Ches. 5 - To Transportation)
 50, psd 341, 350, conc S am 855, enr 916 (Chapter 81)
- HB 1164-FN**, relative to student health fees at the university system of New Hampshire. (Wheeler of Hil. 10 et al - To Education)
 50, K 248
- HB 1165**, relative to permitting housing discounts to senior citizens. (West of Mer. 21; Fillion of Mer. 15 - To State Institutions and Housing)
 50, K 631
- HB 1166-FN-A**, creating an office of employee assistance and making an appropriation therefor. (Chambers of Graf. 12 et al - To Executive Departments and Administration)
 50, K 307
- HB 1167-FN**, relative to boxing. (Rose of Graf. 11 - To Regulated Revenues)
 50, rem 192, K 214

- HB 1168-FN**, relative to sexual abuse of children. (Pierce of Ches. 17 et al - To Children, Youth and Juvenile Justice)
50, K 569
- HB 1169-FN**, relative to drug and alcohol testing in the workplace. (Provost of Hil. 41 et al - To Labor, Industrial and Rehabilitative Services)
New title: establishing a committee to study drug and alcohol testing in the workplace.
50, am 486-487, psd 502, conc S am 860, enr 917, appointments 1075 (Chapter 104)
- HB 1170-FN**, to amend the definition of overseas business organization under the business profits tax. (Ahrens of Hil. 13 et al - To Ways and Means)
New title: to increase the real estate transfer tax for the biennium ending June 30, 1991.
50, am (RC) 539-543, psd 567, conc S am (RC) 753-756, enr 788 (Chapter 2)
- HB 1171-FN-A**, relative to the purchase of breath analyzer machines and making an appropriation therefor. (Musler of Str. 3; Sen. Johnson - To Public Protection and Veterans Affairs)
50, Approp 210, am 722, psd 787, S conc 924, enr 934 (Chapter 136)
- HB 1172-FN**, relative to drivers' licenses and the mature driver. (Gordon of Ches. 5 et al - To Transportation)
New title: relative to the physical condition of drivers.
51, am 667-669, psd 711 (K)
- HB 1173-FN-A**, relative to a preliminary determination of wetlands and making an appropriation therefor. (Vaughn of Rock. 27; Hill of Ches. 14 - To Resources, Recreation and Development)
51, K 235
- HB 1174-FN**, relative to laws regarding children and minors. (McCain of Rock. 11 - To Children, Youth and Juvenile Justice)
51, am 672-677, psd 712, nonconc S am, conf 920, 980, rep adop 1010, enr am 1045, enr 1053 (Chapter 201)
- HB 1175-FN**, granting school districts an option to implement an education voucher program. (Alukonis of Hil. 19 et al - To Education)
New title: establishing a committee to study choice in education.
51, am 304-305, psd 349, conc S am 855, enr 916, appointments 1075 (Chapter 82)
- HB 1176-FN**, relative to the volunteer instructors for the hunter safety courses. (Spencer of Str. 4 - To Fish and Game)
51, K 365
- HB 1177-FN**, to create the New Hampshire county correctional industries authority. (Record of Hil. 23; Martling of Str. 4 - To State Institutions and Housing)
51, study 593, 1070
- HB 1178-FN-A**, relative to marital masters and making an appropriation therefor. (Phelps of Mer. 1 et al - To Judiciary)
51, am & Approp 206, am 741-742, psd 788, conc S am 986, enr 1053 (Chapter 202)
- HB 1179-FN**, relative to fair credit reporting. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
51, K 732
- HB 1180**, relative to the completion of the study date of the Concord to Spaulding Turnpike. (Marsh of Coos 1 - To Public Works)
51, K 391
- HB 1181-FN**, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza. (Marsh of Coos 1 - To Public Works)
51, am 368-369, psd 383, nonconc S am, conf 921, 980, rep adop (K) 1010
- HB 1182-FN**, relative to expenditures by the public works bureau in excess of budget estimates. (Marsh of Coos 1 - To Public Works)
First new title: relative to expenditures by the public works bureau in excess of budget estimates and extending the appropriation to the New Hampshire veterans' home for a 50 bed nursing home addition.
Second new title: relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations.
Third new title: relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, increasing the gasoline tax, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, requiring progress and status reports from the department of transportation and altering the effective dates of certain fee increases.

- Fourth new title:** relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property and class AA dams.
51, am & Approp 488-489, rules suspended 502, am 722-723, psd 787, nonconc S am, conf 976-977, rep rej (RC), new conf 1010-1013, 1022, rules suspended, rep adop (RC) 1036-1039, enr am 1047, enr 1053, veto sustained, new bill psd (2 RC's) 1059-1066 (K)
- HB 1183**, relative to supervision of highway agents. (Marsh of Coos 1 - To Public Works)
51, psd 369, 383, S conc 794, enr 802 (Chapter 38)
- HB 1184**, relative to housekeeping changes in RSAs relating to the department of transportation. (Marsh of Coos 1 - To Public Works)
51, psd 369, 383, S conc 794, enr 802 (Chapter 39)
- HB 1185**, to reclassify portions of certain highways in the town of New Castle. (Marsh of Coos 1 - To Public Works)
51, psd 369, 383, S conc 794, enr 802 (Chapter 40)
- HB 1186-FN-A**, increasing the appropriation to the highway inventory fund. (Marsh of Coos 1 - To Public Works)
51, K 256
- HB 1187**, prohibiting certain items from being deposited in a highway litter receptacle. (Marsh of Coos 1 - To Public Works)
New title: prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles.
51, am 369-370, psd 383, S conc 924, enr 934 (Chapter 137)
- HB 1188-FN**, establishing an optional program based on rebate of the school portion of local property tax. (Chase of Rock. 28 - To Education)
51, K 230
- HB 1189-FN**, relative to reimbursement for acts which require emergency services. (Ballou of Bel. 5; Daly of Car. 3 - To Public Protection and Veterans Affairs)
New title: relative to reimbursement for acts which require public agency response services.
51, am 625-626, psd 634, conc S am 893, enr 935 (Chapter 138)
- HB 1190-FN**, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects. (Sallada of Hil. 4 - To Legislative Administration)
51, am 276-277, psd 349, S conc 794, enr 802, appointments 1075 (Chapter 41)
- HB 1191-FN-A**, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor. (Sallada of Hil. 4 - To Legislative Administration)
52, am & Approp 277-278, psd 638, 710, S conc 794, enr am 812, enr 885, appointments 1080 (Chapter 59)
- HB 1192-FN-A**, establishing a New Hampshire small business mini-loan program and making an appropriation therefor. (Chambers of Graf. 12 et al - To Commerce, Small Business and Consumer Affairs)
52, study 288, 1070
- HB 1193-FN**, relative to wage withholding. (Domini of Sul. 5 et al - To Children, Youth and Juvenile Justice)
52, am 569-570, psd 633, S conc 888, enr 934 (Chapter 139)
- HB 1194-FN**, relative to costs of court-ordered services for or placement of minors and children. (McCain of Rock. 11 et al - To Children, Youth and Juvenile Justice)
First new title: relative to costs of court-ordered services for or placement of minors and children and relative to liability of expenses for minors and children.
Second new title: relative to liability of expenses for minors and children.
52, am 677-679, psd 712, conc S am 985, enr 1053 (Chapter 203)
- HB 1195-FN**, relative to seasonal beverage permits. (Behrens of Sul. 3 et al - To Regulated Revenues)
New title: relative to seasonal beverage permits and certain privileges of club members.
52, am 280-281, psd 349, conc S am 923, enr am 1029, enr 1054 (Chapter 204)
- HB 1196-FN**, relative to the jurisdiction of the wetlands board. (Vartanian of Rock. 20 - To Resources, Recreation and Development)
First new title: establishing a legislative study committee relative to wetlands board matters.
Second new title: relative to sand dunes and establishing a study committee relative to wetlands board matters.
52, am 658-659, psd 711, conc S am 855, enr 916, appointments 1075 (Chapter 83)

- HB 1197**, to identify individual contributors to political campaigns. (Jacobson of Mer. 2 - To Constitutional and Statutory Revision)
52, psd 490, 502, S nonconc 859
- HB 1198-FN**, relative to disputes arising out of placement of a child by a custodial parent in a private school or drug treatment facility. (Millard of Mer. 4 - To Children, Youth and Juvenile Justice)
52, K 386
- HB 1199-FN-A**, relative to the insurance premium tax as the source of funding for the victims' assistance fund and making an appropriation therefor. (Gage of Rock. 13; Spencer of Str. 4 - To Commerce, Small Business and Consumer Affairs)
52, K 288
- HB 1200-FN**, to change the name of the governor's commission for the handicapped. (Sytek of Rock. 20 - To Health, Human Services and Elderly Affairs)
52, psd 484, 502, S conc 924, enr am 937-938, enr 946 (Chapter 140)
- HB 1201**, relative to the recall of elected town officials. (Oleson of Coos 7 - To Municipal and County Government)
52, K 488
- HB 1202-FN**, establishing the New Hampshire foundation for mental health. (Kidder of Mer. 2 - To Health, Human Services and Elderly Affairs)
52, study 485, 1070
- HB 1203-FN-A**, to tax all tobacco products. (Gage of Rock. 13 et al - To Regulated Revenues)
52, rem 266, LT 346, study (2 RC's) 1022-1028, 1070
- HB 1204-FN**, reinstating the corporate charter of the Waltham Screw Co., Inc. (Spear of Ches. 13; Sen. Blaisdell - To Constitutional and Statutory Revision)
New title: reinstating certain corporate charters.
52, psd 266, 348, nonconc S am, conf 860, 936, 939, rep adop 1005, enr 1055 (Chapter 205)
- HB 1205-FN-A**, relative to a town road improvement program and increased construction and reconstruction highway aid. (Rose of Graf. 11 et al - To Public Works)
52, K 278
- HB 1206**, relative to claims to dower, curtesy and homestead rights. (Whittemore of Mer. 10 - To Judiciary)
52, study 571, 1070
- HB 1207-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (Jacobson of Mer. 2; Burling of Sul. 1 - To Judiciary)
52, study 274, 1070
- HB 1208-FN**, reducing certain misdemeanors to violations. (Gage of Rock. 13 - To Judiciary)
53, am 274, psd 349, S conc 812, enr 855 (Chapter 60)
- HB 1209-FN**, relative to the storage and disposal of low-level radioactive wastes. (Arnesen of Graf. 7 et al - To Science, Technology and Energy)
53, study (RC) 626-630, 1070
- HB 1210-FN**, establishing the public school choice program. (Pierce of Ches. 17 - To Education)
53, K 230
- HB 1211**, establishing a mandatory period of silence at the beginning of each school day. (Pierce of Ches. 17 - To Education)
53, K 648
- HB 1212-FN-A**, relative to flagpoles on the state house plaza and making an appropriation therefor. (Warburton of Rock. 6 - To State Institutions and Housing)
53, K 247
- HB 1213-FN**, relative to terminating optional retirement allowances. (Millard of Mer. 4 - To Executive Departments and Administration)
53, K 193
- HB 1214-FN**, relative to regional refuse disposal district and solid waste management planning committee members. (Hill of Ches. 14; Matson of Ches. 7 - To Environment and Agriculture)
53, study 430, 1070
- HB 1215**, relative to mandatory risk sharing plans. (Copenhaver of Graf. 12 - To Commerce, Small Business and Consumer Affairs)
53, K 749-750
- HB 1216-FN**, relative to video tape depositions of children. (Lozeau of Hil. 25; Pratt of Ches. 3 - To Children, Youth and Juvenile Justice)
New title: relative to depositions and videotape testimony.
53, psd 679, 712, conc S am 919, enr 1053 (Chapter 206)

- HB 1217-FN**, relative to fair credit billing. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
53, study 759, 1070
- HB 1218-FN**, relative to defense and indemnification of bail commissioners. (Warburton of Rock. 6 et al - To Judiciary)
53, am 653-654, psd 711, conc S am 860, enr am 1029-1030, enr 1055 (Chapter 207)
- HB 1219-FN**, relative to the oil discharge and disposal cleanup fund. (Lewis of Mer. 5 et al - To Resources, Recreation and Development)
53, am 282, psd 349, conc S am 893, enr 935 (Chapter 141)
- HB 1220-FN**, relative to fireworks. (Pantelakos of Rock. 24 et al - To Public Protection and Veterans Affairs)
53, K 197
- HB 1221-FN-A**, establishing a strike force on child molestation in the department of justice and making an appropriation therefor. (Pierce of Ches. 17 - To Children, Youth and Juvenile Justice)
53, K 192
- HB 1222-FN**, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup. (Lewis of Mer. 5 et al - To Resources, Recreation and Development)
53, am 659-661, psd 711, conc S am 923, enr 995 (Chapter 208)
- HB 1223-FN**, to exempt conservation districts from taxation. (Copenhaver of Graf. 12 et al - To Municipal and County Government)
53, K 574
- HB 1224-FN**, relative to notice to parties prior to issuance of court opinions. (Hill of Ches. 14 - To Judiciary)
53, K 274
- HB 1225-FN-A**, relative to retirement benefits for certain legislative and constitutional officers and making an appropriation therefor. (Reidy of Hil. 45 - To Executive Departments and Administration)
First new title: to define "retired state employee" for state employee group insurance purposes.
Second new title: to define "retired state employee" for state employee group insurance purposes and relative to requests for reclassification or reallocation.
53, rem 266, am & Approp 342-343, psd 723-724, 787, nonconc S am, conf 981-982, rep adop 1039, enr 1055 (Chapter 209)
- HB 1226-FN**, relative to leave sharing policies. (Packard of Hil. 15; Bennett of Mer. 17 - To Executive Departments and Administration)
54, study 362, 1070
- HB 1227-FN**, relative to local prevention programs. (Bean of Graf. 13 et al - To Children, Youth and Juvenile Justice)
New title: relative to local prevention programs and establishing a committee to initiate a state-wide community-based plan for the prevention of child abuse and neglect.
54, am 386-388, psd 460, conc S am 889, enr 946, appointments 1076 (Chapter 142)
- HB 1228-FN**, relative to preparation of master jury lists by computer. (Klemarczyk of Rock. 13 et al - To Judiciary)
New title: relative to preparation of master jury lists by computer and a pilot program utilizing the driver's license list for the purpose of preparing master jury lists.
54, am 274-275, psd 349, nonconc S am, conf 888-889, 936, rep adop 1005, enr 1055 (Chapter 210)
- HB 1229-FN**, relative to organizational and personnel changes within the department of corrections. (Sytek of Rock. 20; Mace of Rock. 21 - To Executive Departments and Administration)
First new title: relative to the department of corrections, the parole board, court-ordered commitments, the liquor commission, and making an appropriation to the department of labor.
Second new title: relative to the department of corrections, the liquor commission, the parimutuel commission, and making an appropriation to the department of labor.
54, am & Approp 307-308, am 724, psd 787, nonconc S am, conf 978, 985, rep adop 1034, enr am 1050-1051, enr 1056 (Chapter 211)
- HB 1230-FN**, allowing Hart's Location to establish a school district. (Chandler of Car. 1; Sen. Heath - To Education)
54, psd 230, 259, S conc 794, enr 790 (Chapter 23)
- HB 1231-FN**, granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire Purple Heart license plates. (McDowell of Hil. 29 - To Public Works)
First new title: relative to the 10-year state highway plan and the governor's advisory commission on highways.

Second new title: relative to the priority of projects on New Hampshire Routes 101 and 51.
54, rcmt 438, rem 721, am (3 RC's) 763-773, psd 788, nonconc S am, conf 976, rep adop 1014,
enr 1054 (Chapter 160)

- HB 1232-FN**, relative to certificates of appreciation for members of the general court. (McDowell of Hil. 29 et al - To Legislative Administration)
54, K 195
- HB 1233-FN**, relative to first degree murder, capital murder, and the death penalty. (Brown of Rock. 14 et al - To Judiciary)
54, K 655
- HB 1234-FN**, relative to guardian's authority to admit to institutions. (Martling of Str. 4 et al - To Judiciary)
54, am 655-656, psd 711, conc S am 923, enr 1053 (Chapter 212)
- HB 1235-FN**, relative to waivers in accident and health insurance policies. (Dickinson of Car. 2 - To Commerce, Small Business and Consumer Affairs)
54, K 646
- HB 1236**, relative to the fish and game commission. (Pfaff of Mer. 9 et al - To Fish and Game)
54, psd (RC) 252-255, 259, S nonconc 888
- HB 1237-FN**, relative to workers' compensation for certain employees. (Pfaff of Mer. 9 - To Labor, Industrial and Rehabilitative Services)
54, K 491-492
- HB 1238-FN-A**, relative to motor vehicle road tolls and license fees. (LaMott of Graf. 5 et al - To Public Works)
54, K 278
- HB 1239-FN**, relative to transportation of juveniles by county sheriffs. (LaMott of Graf. 5 - To Children, Youth and Juvenile Justice)
54, K 230
- HB 1240-FN**, relative to the purchase and distribution of drugs for the control of infectious diseases. (Sochalski of Rock. 23; Wheeler of Str. 4 - To Health, Human Services and Elderly Affairs)
54, enr 477, psd 498, 502, S conc 812, enr 886 (Chapter 61)
- HB 1241**, relative to the observance of Memorial Day. (Hoar of Rock. 6 et al - To Public Protection and Veterans Affairs)
54, psd (RC) 372-376, 384, S nonconc 813
- HB 1242-FN**, relative to DWI and the ignition interlock device. (Jacobson of Mer. 2 - To Judiciary)
54, study 656, 1070
- HB 1243-FN**, relative to penalties for abuse or neglect resulting in a death. (Pfaff of Mer. 9 et al - To Judiciary)
54-55, K 656
- HB 1244**, relative to municipal charters. (MacDonald of Rock. 7 et al - To Municipal and County Government)
New title: relative to municipal charters and to extending the time for the filing of a report by the municipal charter study committee.
55, am 610-624, psd 634, S study 888, 1070
- HB 1245-FN**, relative to the statute of limitations on prosecutions for sexual assault offenses against children. (Pierce of Ches. 17 - To Judiciary)
55, SO 702, am 714-715, psd 787, nonconc S am, conf 860, 936, rep adop 1005, enr 1055 (Chapter 213)
- HB 1246-FN**, relative to hazardous duty pay for state and county corrections officers. (Provost of Hil. 41 - To Executive Departments and Administration)
55, K 193
- HB 1247**, relative to criminal laws regarding children. (Pierce of Ches. 17 - To Children, Youth and Juvenile Justice)
55, K 643
- HB 1248-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Perry of Ches. 10 - To Municipal and County Government)
55, am 624, psd 634, nonconc S am, conf 982, 985, rep rej (RC), new conf 1005-1009, 1022, IP 1083
- HB 1249**, relative to the approval of union contracts by the county convention and its executive committee. (Ahrens of Hil. 13 et al - To Municipal and County Government)
55, study 624-625, 1071

- HB 1250-FN.** relative to employees of the dog and horse racing industry. (Wells of Rock. 5 - To Labor, Industrial and Rehabilitative Services)
55, am & Approp 492-493, rules suspended 502, am 742, psd 788, nonconc S am, conf 921, 980, rep adop 1014, enr 1054 (Chapter 214)
- HB 1251-FN.** relative to certain municipal filing fees and registration of dogs and relative to deputy town clerks. (Klemarczyk of Rock. 13 et al - To Municipal and County Government)
55, K 574
- HB 1252-FN.** to establish a revolving fund for publications and training in the department of environmental services. (Blanchard of Rock. 26; Sen. Freese - To Environment and Agriculture)
55, Approp 306, am 638-639, psd 711, nonconc S am, conf 951, 980, rep adop 1014, enr 1055 (Chapter 215)
- HB 1253-FN.** granting toll-free use of state turnpikes to motor vehicles bearing New Hampshire former P.O.W. license plates. (McDowell of Hil. 29 et al - To Public Works)
55, K 391
- HB 1254.** relative to smoking in laundromats. (Harlan of Hil. 25 - To Health, Human Services and Elderly Affairs)
New Title: relative to smoking in laundromats and on buses.
55, am 649-650, psd 711 (K)
- HB 1255.** relative to rent justification in manufactured housing parks. (Lozeau of Hil. 25; Chambers of Graf. 12 - To State Institutions and Housing)
55, SO 340-341, K (RC) 356-360, recon notice 385, recon rej (RC) 498-501
- HB 1256-FN.** permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees. (Skinner of Rock. 21 et al - To Regulated Revenues)
55, psd 281, 349, conc S am 923, enr am 1030, enr 1054 (Chapter 216)
- HB 1257.** relative to motor vehicle road tolls. (Gordon of Ches. 5 - To Transportation)
55, am 669, psd 711, S conc 794, enr am 812, enr 885 (Chapter 62)
- HB 1258-FN.** establishing a New Hampshire clean lakes program. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
55, am 576-577, psd 633, conc S am 861, enr 934 (Chapter 143)
- HB 1259-FN.** relative to the unclaimed and abandoned property act. (Krueger of Sul. 6 - To Commerce, Small Business and Consumer Affairs)
55, am 646-648, psd 711, conc S am 860, enr 916 (Chapter 105)
- HB 1260-FN.** relative to collecting ambulatory health care data from insurance carriers. (Copenhaver of Graf. 12 et al - To Commerce, Small Business and Consumer Affairs)
56, K 648
- HB 1261-FN.** relative to data collection from certain hospitals and medical centers. (Copenhaver of Graf. 12 et al - To Health, Human Services and Elderly Affairs)
New title: relative to data collection from ambulatory care facilities.
56, am 650, psd 711, S conc 812, enr 886 (Chapter 63)
- HB 1262.** relative to recording of ancient plats. (LaMott of Graf. 5 - To Municipal and County Government)
56, am 575, psd 633, S conc 812, enr 855 (Chapter 64)
- HB 1263-FN.** relative to the aeronautical fund. (Marsh of Coos 1 - To Transportation)
56, K 247
- HB 1264-FN.** creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures. (Soldati of Mer. 19 - To Judiciary)
56, am 656, psd 711, nonconc S am, conf 921, 981, rep adop 1009, enr am 1051, enr 1055 (Chapter 218)
- HB 1265-FN.** relative to consumer motor vehicle warranties. (Pelley of Str. 10; Wall of Str. 4 - To Commerce, Small Business and Consumer Affairs)
56, study 288, 1071
- HB 1266-FN-A.** establishing casino gambling in New Hampshire and making an appropriation therefor. (Pierce of Ches. 17 - To Regulated Revenues)
56, rem 192, K (RC) 214-217
- HB 1267-FN.** relative to assault weapons. (Gilmore of Str. 7; Matson of Ches. 7 - To Public Protection and Veterans Affairs)
56, K (RC) 210-214
- HB 1268-FN.** relative to the interest rate charged to delinquent property tax payers. (Gross of Mer. 16 - To Municipal and County Government)
56, K 575

- HB 1269-FN**, relative to truth in lending. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
56, K 732
- HB 1270-FN**, relative to the enforcement of the hazardous waste laws. (Haynes of Rock. 9 - To Environment and Agriculture)
56, psd 268, 349, S conc 812, enr 855 (Chapter 65)
- HB 1271-FN-A**, relative to constitutional literacy, public officials, and certain employees and making an appropriation therefor. (Peters of Bel. 12 et al - To Education)
56, K 230
- HB 1272**, relative to repairs to products under warranty. (Harland of Sul. 8 - To Commerce, Small Business and Consumer Affairs)
56, K 732
- HB 1273-FN**, regulating certain aspects of laundromats. (Harland of Sul. 8 - To Commerce, Small Business and Consumer Affairs)
56, K 732
- HB 1274-FN**, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn. (Chase of Rock. 28 - To Public Works)
56, psd 438, 461, S conc 794, enr 790 (Chapter 24)
- HB 1275-FN-A**, requiring a uniform condensed version of department of education information on handicapped children and making an appropriation therefor. (Jacobson of Mer. 2 - To Education)
56, K 266
- HB 1276**, relative to sales of motor vehicles. (Torr of Str. 6; Sen. Blaisdell - To Commerce, Small Business and Consumer Affairs)
56, am 732-734, psd 787, S conc 859, enr 916 (Chapter 84)
- HB 1277-FN-A**, providing technical assistance for local drug law enforcement and making an appropriation therefor. (Chambers of Graf. 12 - To Appropriations)
56, K 361
- HB 1278-FN**, relative to senior assistant attorneys general. (Gage of Rock. 13 - To Executive Departments and Administration)
56, am & Approp 268-269, psd 639, 711, S nonconc 813
- HB 1279-FN**, relative to state guaranteed loans. (Gage of Rock. 13 - To Judiciary)
56, study 656, 1071
- HB 1280**, relative to funeral establishments. (Brown of Str. 11 - To Commerce, Small Business and Consumer Affairs)
57, K 389
- HB 1281-FN**, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy. (Baldizar of Hil. 22 et al - To Children, Youth and Juvenile Justice)
57, am 388, psd 460, S conc 794, enr 790, appointments 1076 (Chapter 25)
- HB 1282-FN**, relative to licensing of nondepository first mortgage bankers and brokers. (Pantzer of Mer. 11 - To Commerce, Small Business and Consumer Affairs)
57, am 734, psd 788, S conc 812, enr 855 (Chapter 66)
- HB 1283-FN**, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant. (Ritzo of Rock. 18 et al - To Education)
57, am 305-306, psd 349, S conc 794, enr 790 (Chapter 26)
- HB 1284**, relative to penalties for violations of the weights and measures law. (Hollingworth of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
New title: relative to penalties of the weights and measures law and the inspectors and officials enforcing same.
57, am 735-736, psd 788, conc S am 922, enr 995 (Chapter 217)
- HB 1285**, relative to agricultural labor and unemployment compensation. (Millard of Mer. 4 - To Labor, Industrial and Rehabilitative Services)
57, am 487, psd 502, S conc 888, enr 916 (Chapter 106)
- HB 1286**, relative to special education. (Laurent of Ches. 2; Sen. Hough - To Education)
57, am 266-267, psd 349, S nonconc 813
- HB 1287-FN-A**, relative to the deaf and hard of hearing and making an appropriation therefor. (Sochalski of Rock. 23; Sen. Nelson - To Health, Human Services and Elderly Affairs)
57, K 271

- HB 1288-FN**, relative to the interstate agreement on qualification of educational personnel. (Carter of Mer. 5 et al - To Education)
57, am & Approp 230-233, psd 672, 712, S conc 794, enr 802 (Chapter 42)
- HB 1289-FN**, relative to DWI offenses. (Gage of Rock. 13 - To Judiciary)
New Title: relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system.
57, SO 702-703, am (RC) 715-721, psd 787, conc S am 952, recon, nonconc S am, conf 953, 981, rep adop 1014, enr 1056, appointments 1076 (Chapter 219)
- HB 1290-FN-A**, making appropriations for flood control reimbursements. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
57, Approp 201, K 724
- HB 1291-FN**, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor. (Wright of Rock. 23 - To Appropriations)
57, am 192, psd 218, S nonconc 925
- HB 1292-FN**, relative to funeral homes and professional offices. (Weddle of Rock. 24 - To Health, Human Services and Elderly Affairs)
57, K 650-651
- HB 1293-FN**, relative to securities licensing procedures. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
57, study 736, 1071
- HB 1294-FN**, relative to payment for medical services in certain child support cases. (Weddle of Rock. 24 - To Children, Youth and Juvenile Justice)
57, K 247-248
- HB 1295-FN-A**, appropriating oil overcharge funds. (Densmore of Graf. 3 et al - To Appropriations)
57, am 639-641, psd 711, S conc 812, enr 855 (Chapter 67)
- HB 1296-FN**, regulating the use of automatic telephone dialing and announcing equipment. (Kurk of Hil. 3 - To Science, Technology and Energy)
57, K 285
- HB 1297-FN**, establishing a committee to study meeting scheduling for the house of representatives. (Woodburn of Coos 6 - To Legislative Administration)
57, rem 386, SO 460, K (RC) 470-473
- HB 1298-FN-A**, establishing a committee to study the legalization of drugs and making an appropriation therefor. (Weddle of Rock. 24 - To Health, Human Services and Elderly Affairs)
58, K 315
- HB 1299-FN**, relative to enhanced sentences for "hate crimes". (Trombly of Mer. 4 - To Judiciary)
58, am 656-657, psd 711, S conc 812, enr 886 (Chapter 68)
- HB 1300**, relative to financing for community facilities of nonprofit community providers. (Densmore of Graf. 3; Sen. Hough - To Commerce, Small Business and Consumer Affairs)
New title: relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.
58, am 736-737, psd 788, S conc 888, enr am 982-983, enr 986 (Chapter 220)
- HB 1301-FN**, creating a committee to study the passenger motor vehicle insurance market in New Hampshire. (Fraser of Mer. 6; Sen. Delahunty - To Commerce, Small Business and Consumer Affairs)
58, psd 684, 712, nonconc S am, conf 921, 939, 981, rep adop 1009, enr 1054, appointments 1076-1077 (Chapter 221)
- HB 1302-FN-A**, allocating funds to the office of state planning to further develop a statewide geographic information system and making an appropriation therefor. (Metzger of Ches. 11 et al - To Municipal and County Government)
58, K 255-256
- HB 1303-FN**, relative to volunteer firefighters. (LaMott of Graf. 5 - To Public Protection and Veterans Affairs)
58, study 197, 1071
- HB 1304-FN**, establishing a committee to study mobile health care units. (Bennett of Graf. 8; Sen. Bond - To Health, Human Services and Elderly Affairs)
First new title: establishing a committee to study mobile health care units and making certain appropriations.
Second new title: establishing a committee to study mobile health care units, making certain appropriations, and relative to possession of drugs while driving.

Third new title: establishing a committee to study mobile health care units, making certain appropriations, relative to possession of drugs while driving, and transferring funds within the board of nurses registration
58, am 485-486, psd 502, nonconc S am, conf 982, 985, 990, new conf 1034, 1039, rep LT, adop 1039, enr am 1046, enr 1053, appointments 1077 (Chapter 222)

- HB 1305-FN,** relative to administering blood alcohol concentration and drug content tests. (Musler of Str. 3; Sen. Johnson - To Public Protection and Veterans Affairs)
58, K 488
- HB 1306-FN,** relative to the procedures of the certificate of need board. (Torr of Str. 6 et al - To Health, Human Services and Elderly Affairs)
58, study 315, 1071
- HB 1307-FN,** changing the penalty for felonious use of firearms. (Young of Ches. 1; Dickinson of Car. 2 - To Judiciary)
58, K 571
- HB 1308-FN,** increasing the time of driver license revocation for driving while possessing controlled drugs and administrative forfeiture of vehicles and vessels connected with drugs. (Gage of Rock. 13 et al - To Judiciary)
58, K 657
- HB 1309,** authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snowmaking. (Randall of Bel. 2 - To Resources, Recreation and Development)
New title: relative to a public trust grant for the Gunstock Area ski resort's snowmaking.
58, am 704-705, psd 712, conc S am 893, enr 934 (Chapter 144)
- HB 1310-FN,** allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system. (Hill of Mer. 14; Fillion of Mer. 15 - To Executive Departments and Administration)
First new title: allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and authorizing certain organizations to participate in the New Hampshire retirement system.
Second new title: allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system.
Third new title: allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, relative to the participation of certain organizations in the New Hampshire retirement system, and relative to the city of Berlin retirement system.
58, rem 569, am & Approp 631-633, rules suspended 634, 742, am 742-743, psd 788, conc S am 922, enr am 1030, enr 1055 (Chapter 223)
- HB 1311-FN,** relative to compensation for goodwill under certain circumstances for leased property. (P. Katsakiores of Rock. 7 et al - To Commerce, Small Business and Consumer Affairs)
58, K 648
- HB 1312-FN,** relative to employee prescription drug benefits and health care centers. (Krueger of Sul. 6; Sen. Roberge - To Health, Human Services and Elderly Affairs)
58, rem 636, am 709-710, psd 711, S study 859, 1071
- HB 1313-FN,** relative to mental health counselors. (Hawkins of Bel. 5; Fillion of Mer. 15 - To Commerce, Small Business and Consumer Affairs)
58, am & Exec Depts (RC) 289-293, K 686
- HB 1314,** prohibiting certain pre-judgment attachments and liens. (Hunter of Hil. 6; Pfaff of Mer. 9 - To Commerce, Small Business and Consumer Affairs)
59, K 648
- HB 1315-FN,** relative to child support guidelines. (Domini of Sul. 5 et al - To Children, Youth and Juvenile Justice)
New Title: relative to child support guidelines and to guardians ad litem appointed in marital cases.
59, am 388, psd 460, conc S am 952, enr 995 (Chapter 224)
- HB 1316-FN,** relative to the uniform reciprocal enforcement of support act. (Domini of Sul. 5 et al - To Children, Youth and Juvenile Justice)
59, am 361-362, psd 383, S conc 812, enr 855 (Chapter 69)
- HB 1317,** relative to a feasibility study for a monorail system at Hampton Beach. (Ritzo of Rock. 18 et al - To Public Works)
59, rem 386, SO 460, K 473

- HB 1318-FN-A**, to study the feasibility of developing a bike path near Odiorne Point in the city of Portsmouth and the town of Rye and making an appropriation therefor. (Weddle of Rock. 24 et al - To Public Works)
59, K 197
- HB 1319**, authorizing the use of emergency lights for private vehicles of hospital emergency personnel. (Dickinson of Car. 2; Allard of Car. 2 - To Transportation)
59, am 669-670, psd 712, S conc 888, enr 916 (Chapter 107)
- HB 1320-FN**, relative to watercraft sewage pump-out facilities at marinas. (Scanlan of Graf. 11 et al - To Resources, Recreation and Development)
59, am & rcmt 256-257, study 661, 1071
- HB 1321-FN**, establishing a study committee to determine the feasibility of commercial shell fishing. (Scanlan of Graf. 11 et al - To Fish and Game)
New title: requiring the fish and game department to submit a shellfish management plan.
59, psd (RC) 202-206, 218, conc S am 855, enr 916 (Chapter 108)
- HB 1322-FN**, relative to mediation of labor disputes. (Guay of Coos 7 - To Labor, Industrial and Rehabilitative Services)
59, K 487
- HB 1323**, relative to the uniformed officers of the division of state police. (Simon of Rock. 9; Klemm of Rock. 22 - To Executive Departments and Administration)
59, study 491, 1071
- HB 1324-FN**, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin. (Scanlan of Graf. 11 et al - To Resources, Recreation and Development)
59, am 577-578, psd 633, S conc 859, enr 916, appointments 1077 (Chapter 85)
- HB 1325-FN**, relative to eligibility under the aid to the permanently and totally disabled program. (Copenhaver of Graf. 12; Sen. McLane - To Health, Human Services and Elderly Affairs)
59, Approp 315-316, LT 672, IP 1083
- HB 1326-FN**, relative to the sale or lease of certain institutional lands. (Soldati of Mer. 19 et al - To State Institutions and Housing)
59, am & Approp 376-378, rules suspended 465, am 743-744, psd 788, S nonconc 859
- HB 1327-FN**, relative to compulsory school attendance. (Skinner of Rock. 21 et al - To Education)
60, K (RC) 248-252
- HB 1328-FN**, relative to probationary drivers' licenses. (Spencer of Str. 4 et al - To Judiciary)
60, K 275
- HB 1329-FN**, relative to revocation of licenses of drivers under the DWI laws and changing a certain program name. (Spencer of Str. 4 et al - To Judiciary)
60, K 275
- HB 1330-FN-A**, relative to a state income tax and making an appropriation for administrative costs, and funding state aid to education. (Spencer of Str. 4 - To Ways and Means)
60, K 378
- HB 1331-FN-A**, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor. (Fraser of Mer. 6 et al - Executive Departments and Administration)
60, Approp 308, psd 641, 711, S nonconc 978
- HB 1332-FN**, relative to "Med-Aids". (Chase of Rock. 28; Parks of Str. 6 - To Health, Human Services and Elderly Affairs)
New title: establishing a committee to study the personnel problem in long-term health care facilities.
60, am 271-272, psd 349, nonconc S am, conf 952, 981, rep adop (K) 1014
- HB 1333-FN**, relative to studying and reviewing the New Hampshire housing finance authority. (Fesh of Rock. 7 - To State Institutions and Housing)
60, K 631
- HB 1334-FN**, relative to telephone utilities service territories. (Harlan of Hil. 25 - To Science, Technology and Energy)
60, rem 266, rcmt 346-347, am 392-393, psd 461, S conc 859, enr 916 (Chapter 109)
- HB 1335-FN**, relative to mandatory sentencing and plea bargaining in certain child molestation cases. (Pierce of Ches. 17 - To Judiciary)
60, K 571
- HB 1336-FN**, relative to organ transplants. (Weddle of Rock. 24; Robinson of Hil. 12 - To Health, Human Services and Elderly Affairs)
60, study 272, 1071

- HB 1337-FN**, relative to methane recovery. (Wright of Rock. 23 - To Environment and Agriculture)
60, K 306
- HB 1338**, including certain towns in mining exceptions. (Burton of Str. 4; Wheeler of Str. 4 - To Environment and Agriculture)
60, K 490
- HB 1339**, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way. (Maviglio of Bel. 1 - To Environment and Agriculture)
60, am 430, psd 461, S conc 794, enr 790 (Chapter 27)
- HB 1340-FN**, relative to proof of age requirements for rental of video cassettes and admission to movies. (Baldizar of Hil. 22 et al - To Children, Youth and Juvenile Justice)
60, K 643
- HB 1341**, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester. (Hunter of Hil. 6 et al - To Transportation)
60, am 393-394, psd 461, conc S am 855, enr am 937, enr 946 (Chapter 145)
- HB 1342**, relative to school district elections. (Jasper of Hil. 19 et al - To Education)
60, K 233
- HB 1343-FN**, establishing a study committee on private contract prison systems. (Pierce of Ches. 17 et al - To Public Works)
60, psd 391, 461, conc S am 952, enr 1053, appointments 1077-1078 (Chapter 225)
- HB 1344**, relative to least cost planning by electric utilities. (Merrill of Str. 4 et al - To Science, Technology and Energy)
60, am 589-591, psd 633, nonconc S am, conf 889, 936, rep adop 1021, enr 1054 (Chapter 226)
- HB 1345-FN**, relative to high speed pursuit. (Pappas of Hil. 37; Pfaff of Mer. 9 - To Judiciary)
61, study 657, 1071
- HB 1346-FN**, to restore medical benefits for certain individuals. (Torr of Str. 6 et al - To Executive Departments and Administration)
New title: to restore medical benefits.
61, am 193, psd 218, S nonconc 813
- HB 1347-FN-A**, to review area agencies and the community developmental services system and making an appropriation therefor and relative to quality assurance records of community mental health programs. (Nardi of Hil. 35 et al - To Health, Human Services and Elderly Affairs)
New title: relative to quality assurance records of community mental health programs.
61, am 273, psd 349, nonconc S am, conf 941, 981, rep adop (K) 1014
- HB 1348-FN-A**, relative to access to health care for the uninsured and making an appropriation therefor. (Pappas of Hil. 37 et al - To Commerce, Small Business and Consumer Affairs)
New title: establishing a committee to oversee the preliminary steps in the creation of an access to health care program and making an appropriation therefor.
61, am & Approp 293-298, am 725, psd 787, conc S am 952, enr 995, appointments 1078 (Chapter 227)
- HB 1349-FN-A**, relative to increasing provider participation in the medicaid program and medicaid coverage of pre-natal services and making appropriations therefor. (Micklon of Rock. 20 et al - To Health, Human Services and Elderly Affairs)
New title: relative to increasing provider participation in the medicaid program and making an appropriation therefor.
61, am & Approp 316-317, LT (RC) 744-748, IP 1083
- HB 1350-A**, increasing the appropriation for constructing regional vocational education centers. (Robinson of Hil. 12 et al - To Public Works)
61, Approp 278, am 641, psd 711, S nonconc 859
- HB 1351**, relative to employment termination. (Holmes of Mer. 13; Pearson of Bel. 5 - To Labor, Industrial and Rehabilitative Services)
61, am 759-760, psd 788, S nonconc 888
- HB 1352**, relative to employee lunch breaks. (Holmes of Mer. 13; Pearson of Bel. 5 - To Labor, Industrial and Rehabilitative Services)
61, K 760
- HB 1353-FN**, relative to the oversight committee on health and human services. (Sochalski of Rock. 23 et al - To Health, Human Services and Elderly Affairs)
New title: relative to the oversight committee on health and human services and relative to licensure of certain food service establishments.
61, psd 651, 711, nonconc S am, conf 889, 936, rep adop 1021, enr 1055, appointments 1080-1081 (Chapter 228)

- HB 1354-FN**, relative to boat registrations. (Dickinson of Car. 2 et al - To Resources, Recreation and Development)
61, am 235-242, psd 259, conc S am 923 enr am 1045-1046, enr 1053 (Chapter 229)
- HB 1355-FN-A**, relative to the by-pass around the towns of Conway and North Conway and making an appropriation therefor. (Dickinson of Car. 2 et al - To Public Works)
61, K 234
- HB 1356-FN-A**, relative to upgrading Route 16 in the town of Conway and making an appropriation therefor. (Dickinson of Car. 2 - To Public Works)
61, K 234
- HB 1357**, relative to the rulemaking authority of the commissioner of environmental services. (Trombly of Mer. 4; Musler of Str. 3 - To Environment and Agriculture)
61, psd 306-307, 349, conc S am 922, enr 995 (Chapter 230)
- HB 1358-FN**, requiring certain buildings to be designed and constructed to accommodate recycling. (Arnesen of Graf. 7 et al - To Environment and Agriculture)
61, K 268
- HB 1359-FN**, relative to regional vocational education. (Guest of Graf. 12 - To Education)
61, psd 233, 259, S conc 794, enr 790 (Chapter 28)
- HB 1360-FN**, relative to the regulation of private detectives. (Johnson of Mer. 5; Seward of Rock. 3 - To Public Protection and Veterans Affairs)
61, am 657-658, psd 711, S conc 812, enr am 938, enr 946 (Chapter 146)
- HB 1361-FN**, relative to locations where blood and urine samples may be tested for driving while under the influence of controlled drugs. (Gage of Rock. 13 et al - To Judiciary)
61-62, K 275
- HB 1362**, relative to penalties for DWI offenses. (Spencer of Str. 4 et al - To Judiciary)
62, rem 636, study 710, 1071
- HB 1363-FN**, relative to driving after revocation or suspension. (Spencer of Str. 4 et al - To Judiciary)
62, K 657
- HB 1364**, relative to energy conservation standards in new building construction. (Merrill of Str. 4 et al - To Science, Technology and Energy)
62, am 591-593, psd 633, S conc 924, enr am 938, enr 946 (Chapter 147)
- HB 1365-FN**, relative to second mortgage bankers and brokers. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
62, K 192
- HB 1366-FN-A**, to impose a state income tax to fund education aid and aid to municipalities and making an appropriation for administrative costs, and providing for property tax relief claims. (Arnesen of Graf. 7; LaMar of Ches. 16 - To Ways and Means)
62, K 378
- HB 1367-A**, authorizing construction of a new courthouse in Rockingham county and making an appropriation therefor. (Skinner of Rock. 21 et al - To Public Works)
New title: establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building.
62, am 278-279, psd 349, nonconc S am, conf 981, rep rej (RC) 1014-1017, new conf 1021, S rej new conf 1028, IP 1083
- HB 1368-FN**, to impose a disposable diaper fee. (LaMar of Ches. 16 et al - To Environment and Agriculture)
62, study 389, 1071
- HB 1369-FN**, relative to permits, waiting periods, and penalties regarding the purchasing and carrying of firearms. (Lown of Hil. 9 et al - To Public Protection and Veterans Affairs)
62, K 437
- HB 1370**, relative to a statement of consideration on deeds. (Gage of Rock. 13 - To Municipal and County Government)
First new title: relative to a statement of consideration on deeds and other matters concerning the transfer of real estate.
Second new title: relative to a statement of consideration and other matters concerning the transfer of real estate.
62, am 366-367, psd 383, nonconc S am, conf 921, 981, rep adop 1009 enr 1054 (Chapter 231)
- HB 1371-FN-A**, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. (Marsh of Coos 1 et al - To Public Works)
62, Approp 279, psd 725, 787, nonconc S am, conf 921, 981, rep adop 1021, enr 1054 (Chapter 232)

- HB 1372**, relative to interim rules under the administrative procedure act. (Copenhaver of Graf. 12 - To Legislative Administration)
62, psd 390, 460, S conc 859, enr 916 (Chapter 86)
- HB 1373-FN**, relative to liquor licenses for bowling centers. (Simon of Rock. 9; Phelps of Mer. 1 - To Regulated Revenues)
62, K 281
- HB 1374-FN-A**, relative to guardians ad litem and making an appropriation therefor. (Brown of Str. 11 - To Children, Youth and Juvenile Justice)
62, study 230, 1071
- HB 1375-FN**, relative to impact fee legislation. (Wadsworth of Graf. 13 et al - To Municipal and County Government)
62, am (RC) 493-497, psd 502, S nonconc 888
- HB 1376-FN-A**, relative to a public water rights report and advisory committee and making an appropriation therefor. (Blanchard of Rock. 26 et al - To Resources, Recreation and Development)
First new title: relative to a public water rights report and advisory committee.
Second new title: relative to a public water rights report and legislative study committee.
62, am & Approp 245-247, am 641-642, psd 711, conc S am 924, enr 982, appointments 1078 (Chapter 148)
- HB 1377-FN-A**, to provide a business profits tax credit for businesses which provide transportation for their employees. (Cole of Ches. 3; Dickinson of Car. 2 - To Ways and Means)
63, K 247
- HB 1378**, relative to the Hillsborough county budget committee. (Barry of Hil. 10 - To Municipal and County Government)
63, K 437
- HB 1379-FN**, relative to notice given to affected municipalities concerning effluent discharges. (Wright of Rock. 23 - To Resources, Recreation and Development)
63, am 661-662, psd 711, conc S am 924, enr 995 (Chapter 248)
- HB 1380-FN**, relative to mandatory automobile insurance. (Pelley of Str. 10 et al - To Commerce, Small Business and Consumer Affairs)
63, study (RC) 300-303, 1071
- HB 1381-FN**, relative to public access to records. (Pierce of Ches. 17; Hill of Ches. 14 - To Judiciary)
63, K 275
- HB 1382-FN-A**, relative to retirement compensation for judges and making an appropriation for an actuarial study of certain judges. (Gross of Mer. 16 et al - To Executive Departments and Administration)
New title: relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges.
63, am & Approp 308-311, am 725-726, psd 787, nonconc S am, conf 979, rep adop (K) 1009
- HB 1383-FN**, relative to drug and alcohol education and rehabilitation. (McCain of Rock. 11 et al - To Health, Human Services and Elderly Affairs)
New title: relative to drug and alcohol education, prevention, and student assistance counseling and referral programs.
63, rem 266, am & Approp 344-346, rem 721, am 760-762, psd 787, S nonconc 813
- HB 1384**, relative to use of genetic test results as evidence in paternity proceedings. (Spear of Ches. 13 et al - To Judiciary)
63, am 571-572, psd 633, S conc 888, enr 935 (Chapter 149)
- HB 1385-FN-A**, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. (Campbell of Bel. 5 - To Executive Departments and Administration)
New title: to make technical corrections in the retirement system laws and making an appropriation for the director of finance, and relative to eligibility for membership in the New Hampshire retirement system.
63, am & Approp 269-270, am 726-728, psd 787, nonconc S am, conf 951, 981, rep adop 1021, enr 1054 (Chapter 249)
- HB 1386-FN**, relative to child support enforcement. (Domini of Sul. 5 et al - To Children, Youth and Juvenile Justice)
63, am 643-644, psd 711, conc S am 952, enr 995 (Chapter 250)

- HB 1387-FN**, requiring an annual registration fee for docks and related structures. (Marston of Str. 6 - To Resources, Recreation and Development)
New title: relative to protecting the quality of surface waters.
 63, am 662-665, psd 711, S study 813, 1071
- HB 1388-FN**, relative to the imposition of activity fees by the department of environmental services. (Millard of Mer. 4; Musler of Str. 3 - To Environment and Agriculture)
 63, K 307
- HB 1389-FN-A**, relative to the taxation of banks. (Ahrens of Hil. 13; Sen. Currier - To Ways and Means)
New title: relative to the taxation of banks and relative to the communications services tax and making an appropriation therefor.
 63, am 285, psd 349, conc S am 977, enr 983 (Chapter 101)
- HB 1390-FN-A**, to impose a telecommunications excise tax. (Blacketor of Ches. 12; Grip of Hil. 7 - To Ways and Means)
New title: to impose a communications services tax and making an appropriation therefor.
 63, remt (2 RC's) 442-459, am (2 RC's) 521-539, psd 567, conc S am (RC) 773-776, enr 788 (Chapter 9)
- HB 1391-FN**, relative to registration decals for docks, floats and swim rafts. (Dickinson of Car. 2 - To Resources, Recreation and Development)
 63, K 257
- HB 1392-FN**, relative to reckless conduct and criminal threatening. (Gage of Rock. 13 - To Judiciary)
 63, K 572
- HB 1393-FN**, to retire the debt resulting from group II retirement system benefits granted in 1987. (Pfaff of Mer. 9; Pappas of Hil. 37 - To Executive Departments and Administration)
 63, study 270, 1071
- HB 1394-FN**, relative to the time for electing an optional retirement allowance or survivorship option. (Bardsley of Mer. 1 - To Executive Departments and Administration)
New title: relative to the election of optional retirement allowances.
 64, am & Approp 362-364, rules suspended 465, psd 728, 787, conc S am 922, enr 995 (Chapter 251)
- HB 1395-FN**, relative to the time for electing an optional retirement allowance. (O'Brien of Str. 10 et al - To Executive Departments and Administration)
 64, K 194
- HB 1396-FN**, authorizing an associate justice for the Laconia District Court. (Randall of Bel. 2 - To Judiciary)
 64, K 275
- HB 1397-FN**, relative to training persons to perform drug testing. (Pepino of Hil. 37; Brady of Hil. 33 - To Health, Human Services and Elderly Affairs)
New title: relative to hiring a toxicologist to perform drug testing and making an appropriation therefor.
 64, am 651-652, psd 711, S nonconc 813
- HB 1398-FN**, relative to the BOCA code. (Weddle of Rock. 24 - To Municipal and County Government)
 64, K 367
- HB 1399-FN-A**, to impose a statewide property tax and a personal income tax and making an appropriation for its administration, and establishing a local property tax relief fund. (Hall of Mer. 7; Teague of Mer. 18 - To Ways and Means)
 64, study (RC) 705-709, 1071
- HB 1400-FN-A**, to impose a state income tax to fund school district education costs and making an appropriation for administration costs, and providing for property tax relief claims. (Teague of Mer. 18; Hall of Mer. 7 - To Ways and Means)
 64, SO 378, K (RC) 473-477
- HB 1401-FN-A**, relative to a property tax relief system. (Rose of Graf. 11 et al - To Ways and Means)
 64, K 378-379
- HB 1402-FN**, relative to longevity pay. (Hawkins of Bel. 5 - To Executive Departments and Administration)
 64, K 270-271
- HB 1403-A**, to establish a fire academy and making an appropriation therefor. (Pfaff of Mer. 9; Ballou of Bel. 5 - To Public Works)
 64, K 279-280

- HB 1404-FN-A**, relative to shoreland protection and making an appropriation therefor. (Smith of Hil. 21; Maviglio of Bel. 1 - To Resources, Recreation and Development)
New title: establishing a study committee on shoreland protection and standards for such protection.
 64, am 282-284, psd 349, conc S am 893, enr 934, appointments 1078-1079 (Chapter 150)
- HB 1405-FN-A**, relative to sludge and septage management programs and making an appropriation therefor. (Bardsley of Mer. 1 - To Resources, Recreation and Development)
First new title: relative to sludge and septage management programs.
Second new title: relative to sludge and septage management programs and making an appropriation therefor and relative to the oil discharge and disposal cleanup fund.
 64, am & Approp 242-245, am 642-643, psd 711, nonconc S am, conf 979, rep adop 1009, enr am 1044, enr 1052 (Chapter 252)
- HB 1406-FN**, relative to hazardous waste transporter permits and the definition of waste. (Hanselman of Hil. 17; Musler of Str. 3 - To Environment and Agriculture)
First new title: relative to hazardous waste transporter permits and the definition of waste and establishing a committee to study medical waste.
Second new title: relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.
 64, am & Approp 478-481, rules suspended 502, am 748-749, psd 788, conc S am 985, enr am 1052, enr 1055, appointments 1079 (Chapter 253)
- HB 1407-FN-A**, to phase out the interest and dividends tax. (Young of Ches. 1; Dickinson of Car. 2 - To Ways and Means)
 64, K 371
- HB 1408-FN-A**, increasing certain vehicle registration fees, levying a highway use tax, and increasing the fuel tax on fuel other than motor fuel. (Haynes of Rock. 9; Gordon of Ches. 5 - To Public Works)
 64, K 197
- HB 1409-FN**, relative to workers' compensation. (Fraser of Mer. 6 et al - To Labor, Industrial and Rehabilitative Services)
New title: relative to workers' compensation and making an appropriation therefor.
 64, am & Approp 318-335, psd 643, 711, nonconc S am, conf 977, rep adop 1009, enr 1052, appointments 1082 (Chapter 254)
- HB 1410-FN**, relative to recodifying the liquor laws and standardizing licensing and fee requirements. (Kelley of Hil. 13 et al - To Regulated Revenues)
 64-65, am 199-200, psd 218, nonconc S am, conf 860, 936, rep adop 1021, enr 1052, appointments 1079 (Chapter 255)
- HB 1411**, relative to legislation regarding returning revenue to cities and towns. (King of Hil. 42 et al - To Legislative Administration)
 65, K 436-437
- HB 1412-FN**, relative to moorings. (Haynes of Rock. 9; Gordon of Ches. 5 - To Resources, Recreation and Development)
 65, study 340, 1071
- HB 1413**, relative to requiring medical services providers to bill the parent responsible for providing medical or dental insurance for a child under a support decree. (Wall of Str. 4 et al - To Children, Youth and Juvenile Justice)
 65, K 679
- HB 1414**, relative to committee members of the state conservation committee. (Millard of Mer. 4 - To Executive Departments and Administration)
 65, psd 435-436, 461, S conc 794, enr 802 (Chapter 43)
- HB 1415**, relative to OHRV safety and training. (P. Katsakiores of Rock. 7; G. Katsakiores of Rock. 7 - To Transportation)
 65, psd 670, 712, conc S am 924, enr 995 (Chapter 256)
- HB 1416-FN**, relative to adoption of more stringent automobile emission standards. (Sherburne of Rock. 2; Musler of Str. 3 - To Environment and Agriculture)
 65, rem 477, study 497, 1072
- HB 1417-FN**, enabling municipalities to enact a local land use change surtax. (Maviglio of Bel. 1 - To Environment and Agriculture)
 65, K 389
- HB 1418-FN**, relative to licensing of child day care, residential care, and child-placing agencies. (Wallner of Mer. 21 et al - To Children, Youth and Juvenile Justice)
 65, am 644-646, psd 711, conc S am 952, enr am 1051, enr 1055, appointments 1079 (Chapter 257)

- HB 1419**, relative to the Monadnock advisory commission. (Avery of Ches. 5; Matson of Ches. 7 - To Resources, Recreation and Development)
65, psd 392, 461, conc S am 924, enr 1054 (Chapter 258)
- HB 1420-FN**, relative to license plates for Pearl Harbor veterans. (Marston of Str. 6 - To Public Protection and Veterans Affairs)
65, K 197
- HB 1421**, relative to admissibility of evidence in juvenile certification proceedings. (McCain of Rock. 11 - To Children, Youth and Juvenile Justice)
65, rem 721, study 762-763, 1072
- HB 1422-FN**, permitting tinted glass in motor vehicle windshields and side windows for medical reasons. (Asplund of Mer. 10 - To Transportation)
65, am 670-671, psd 712, S conc 794, enr 803 (Chapter 44)
- HB 1423**, declaring that life begins at conception. (Foote of Hil. 39 et al - To Judiciary)
65, K (RC) 597-601, recon rej 634
- HB 1424-FN**, regulating abortions. (Burling of Sul. 1 et al - To Judiciary)
65, am (RC) 601-605, psd 633, recon rej 634, conc S am (RC) 889-893, enr 916, veto sustained (RC) 986-990
- HB 1425-FN**, prohibiting public funds, employees and facilities to assist or perform abortions. (Foote of Hil. 39 et al - To Judiciary)
65, K (RC) 605-609, recon rej 634
- HB 1426-FN**, relative to surrogacy. (Moore of Hil. 5 et al - To Children, Youth and Juvenile Justice)
65, psd (RC) 679-682, 712, S conc 812, enr 916 (Chapter 87)
- HB 1427-FN**, relative to the recycling logo. (Millard of Mer. 4 - To Environment and Agriculture)
66, am 490-491, psd 502, S conc 924, enr 935 (Chapter 151)
- HB 1428-FN**, relative to recycling and disposal of vehicle batteries. (Wright of Rock. 23 et al - To Environment and Agriculture)
66, K 268
- HB 1429**, relative to excavation, quarrying, and mining. (Sherburne of Rock. 2 - To Environment and Agriculture)
66, am 593-597, psd 633, S nonconc 813
- HB 1430-FN-A**, establishing a public access advisory board to develop access to public waters and establishing a public access development fund. (Boucher of Rock. 23; Wiggin of Car. 4 - To Resources, Recreation and Development)
66, study 245, 1072
- HB 1431-FN**, relative to the board of registration in medicine and the pharmacy board. (McCain of Rock. 11; Sytek of Rock. 20 - To Executive Departments and Administration)
66, am 686-689, psd 712, nonconc S am, conf 921, 981, rep adop (K) 1021
- HB 1432-FN**, relative to the New Hampshire rivers management and protection program. (Maviglio of Bel. 1 et al - To Resources, Recreation and Development)
66, am 578-588, psd 633, nonconc S am, conf 941, 981, rep adop 1009 enr am 1044, enr 1052 (Chapter 233)
- HB 1433-FN**, relative to custodial interference. (Pantelakos of Rock. 24 - To Children, Youth and Juvenile Justice)
66, K 266
- HB 1434-FN**, relative to simulcast racing at certain dog tracks. (Hawkins of Bel. 5 - To Regulated Revenues)
66, K 281
- HB 1435-FN**, relative to an equity fee on newly constructed buildings. (Shaw of Mer. 7 - To Municipal and County Government)
66, K 488
- HB 1436-FN**, relative to felony offenses. (Kurk of Hil. 3 - To Judiciary)
66, K 572
- HB 1437-FN**, placing New Hampshire public elementary and secondary schools under state administration and control. (Jacobson of Mer. 2 - To Education)
66, study 306, 1072
- HB 1438**, relative to the goals and objectives for reduction of solid waste. (Parks of Str. 6 - To Environment and Agriculture)
66, rem 477, rcmt 497-498, am 737-738, psd 788, nonconc S am, conf 922, 981, rep adop 1009, enr am 1044, enr 1052 (Chapter 234)

- HB 1439-FN**, relative to the reimbursement to the state for certain services rendered at race tracks. (Simon of Rock. 9 et al - To Regulated Revenues)
New title: relative to the reimbursement to the state for certain services rendered at race tracks and unclaimed ticket money.
 66, psd 371, 384, nonconc S am, conf 979, rep adop 1009, enr 1054 (Chapter 259)
- HB 1440-FN**, establishing a committee to study laws relative to child support. (Doucette of Ches. 17 et al - To Children, Youth and Juvenile Justice)
 66, K 646
- HB 1441-FN**, relative to medicaid fraud. (Anderson of Rock. 13 et al - To Judiciary)
 66, am 275-276, psd 349, nonconc S am, conf 889, 936, rep adop 1021, enr 1055 (Chapter 260)
- HB 1442**, relative to gasoline franchise contracts for disposal of used motor oil. (Gilmore of Str. 7 - To Environment and Agriculture)
 144, psd 481, 501, S conc 859, enr 916 (Chapter 88)
- HB 1500-A**, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991. (Kidder of Mer. 2 - To Appropriations)
 66, SO rej (RC) 352-356, am (2 RC's) 394-401, psd 461, recon rej (RC) 461-464, conc S am (RC) 776-779, enr 789 (Chapter 1)
- HB 1501-FN-A**, relative to state revenues and expenditures. (Gross of Mer. 16 - To Appropriations)
First new title: relative to state revenues and expenditures and relative to certain general fund fees and revenues and certification of wastewater treatment plant operators.
Second new title: relative to state revenues and expenditures and relative to certain general fund fees and revenues.
 144, am (2 RC's) 401-414, psd 461, recon rej (RC) 461-464, conc S am (RC) 756-759, enr 788 (Chapter 3)
- HB 1502-FN-A**, increasing the beer tax. (Gross of Mer. 16 - To Ways and Means)
New title: to increase the beer tax for the biennium ending June 30, 1991.
 144, psd (RC) 543-547, 567, conc S am 750, enr 788 (Chapter 4)
- HB 1503-FN**, relative to certain general fund fees and revenues, solid waste transporter permits, registration decals for docks, floats and swim rafts and certification of wastewater treatment plant operators. (Gross of Mer. 16 - To Ways and Means)
New title: relative to certain general fund fees and revenues and certification of wastewater treatment plant operators.
 144, am (RC) 510-521, psd 567, nonconc S am, conf 854, 936, rep adop (K) 1021
- HB 1504-FN-A**, increasing the tobacco tax. (Gross of Mer. 16 - To Ways and Means)
 144, psd (RC) 507-510, 567, S conc 762, enr 788 (Chapter 5)
- HB 1505-FN-A**, relative to highway fund taxes and fees. (Gross of Mer. 16 - To Public Works)
New title: relative to motor vehicle road tolls and fees and a gasoline floor tax.
 144, am (RC) 552-556, psd 567 conc S am (RC) 750-753, enr 789 (Chapter 10)
- HB 1506-FN**, relative to state employee layoffs. (Gross of Mer. 16 et al - To Executive Departments and Administration)
New title: relative to state employee layoffs, classified state employees, the rulemaking authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.
 intro & rules suspended 801, am & Approp 932-934, rules suspended, am (RC) 969-975, psd 975, conc S am 1039, enr am 1049-1050, enr 1053 (Chapter 261)
- HB 1507-FN**, relative to early retirement benefits. (Rep. Gross of Mer. 16 et al - To Executive Departments and Administration)
 intro & rules suspended 801, study 925, 1072

HOUSE CONCURRENT RESOLUTIONS

- HCR 11**, relative to rural hospitals. (Foster of Car. 4; Torr of Str. 6 - To Health, Human Services and Elderly Affairs)
 66, adop 652, 711, S conc 888
- HCR 12**, relative to the AIDS virus. (Weddle of Rock. 24 et al - To Health, Human Services and Elderly Affairs)
 66, am 652-653, adop 711, S conc 888
- HCR 13**, to protect and preserve the tenth amendment to the United States Constitution. (LaMott of Graf. 5 - To Constitutional and Statutory Revision)
 66, am 201-202, adop 218, nonconc S am, conf 854, 936, 939, rep adop 995

- HCR 14**, relative to subsidizing the tobacco industry. (Trombly of Mer. 4 - To State-Federal Relations)
67, K 371
- HCR 15**, supporting multi-cultural and multi-ethnic education for New Hampshire students. (Ouellette of Hil. 48 et al - To Education)
67, adop 477, 501, S conc 793
- HCR 16**, proclaiming 1990 as the International Year of Bible Reading. (Foote of Hil. 39 et al - To Education)
67, K 478
- HCR 17**, relative to the operations of Seabrook. (Smith of Hil. 21 - To Science, Technology and Energy)
67, K 371
- HCR 18**, urging a statewide conference on families. (Cooke of Rock. 20 et al - To Children, Youth and Juvenile Justice)
67, adop 570, 633, conc S am 922
- HCR 19**, relative to bovine somatotropin growth hormone. (Teschner of Graf. 5 et al - To Environment and Agriculture)
67, K (RC) 431-434
- HCR 20**, adopting Joint Rules for the 1990 session. (Burns of Coos 5; Chambers of Graf. 12 - To Rules)
intro & adop 41, 68, S conc 190

HOUSE BILLS OF INTENT 1989 BILL RE-REFERRED TO COMMITTEE

- HBI 2002**, relating to alcohol education programs for DWI offenders. (Lozeau of Hil. 25 - To Health, Human Services and Elderly Affairs)
am 87, adop 141

1990 BILL

- HBI 2011**, relating to mining. (Dickinson of Car. 2; Sherburne of Rock. 2 - To Environment and Agriculture)
67, adop 597, 633, study 1072

HOUSE RESOLUTIONS

- HR 51**, relative to serving in the general court. (Matson of Ches. 7 - To Legislative Administration)
67, adop 335
- HR 52**, urging the New Hampshire delegation to introduce legislation in Congress correcting certain disparities in the Medicare program. (Bicknell of Hil. 22 - To State-Federal Relations)
67, K 371
- HR 53**, amending House Rules for the 1990 Session. (Burns of Coos 5)
intro & adop 39-40
- HR 54**, requesting an opinion of the justices concerning the constitutionality of HB 412-FN-A. (Sytek of Rock. 20 - To Ways and Means)
intro & adop 347-348, opin printed 803-810
- HR 55**, honoring Anita Hickey of Concord on her retirement. (Gross of Mer. 16; Chambers of Graf. 12)
intro & adop 356
- HR 56**, honoring Kathleen Kelleher. (Chambers of Graf. 12)
intro & adop 466-467
- HR 57**, requesting the United States Congress to amend the United States Constitution to prohibit flag desecration. (Pepino of Hil. 37 et al - To State-Federal Relations)
793, adop (RC) 900-903, 915
- HR 58**, honoring Robert A. Whitcomb of Keene. (Keene Delegation et al)
intro & adop 792
- HR 59**, honoring 1990 state champion orators Julie Mittelman and Karl Nobert. (Manchester Delegation et al)
intro & adop 792-793
- HR 60**, commending the boys' varsity basketball team of Pinkerton Academy. (Derry Delegation et al)
intro & adop 887-888

- HR 61**, honoring Otis E. Cloud. (Skinner of Rock. 21)
intro & adop 948-949
- HR 62**, relative to biennial budget reductions. (Weymouth of Graf. 2)
rules suspended, intro & adop 953, 975
- HR 63**, commending the varsity swimming and diving team of Exeter Area High School. (Exeter Delegation et al)
intro & adop 950-951
- HR 64**, memorializing former Representative Ronald R. Laurion of Rochester. (Scamman of Rock. 19 et al)
intro & adop 984-985
- HR 65**, acknowledging Earth Day 1990. (Scamman of Rock. 19; Chambers of Graf. 12 et al)
intro & adop 993
- HR 66**, commending the boys' varsity basketball team of Merrimack Valley Regional High School in Penacook. (Scamman of Rock. 19 et al)
intro & adop 993-994
- HR 67**, honoring Representative Edward Densmore of Franconia. (Scamman of Rock. 19 et al)
intro & adop 1034-1035
- HR 68**, memorializing Representative Patricia O. Sanderson of Portsmouth. (Scamman of Rock. 19 et al)
intro & adop 1058
- HR 69**, honoring Representative Elizabeth A. Greene of Rye. (Scamman of Rock. 19 et al)
intro & adop 1058-1059
- HR 70**, honoring Representative Alice Tirrell Knight of Goffstown. (Scamman of Rock. 19 et al)
intro & adop 1068

SENATE BILLS

1989 SENATE BILL RE-REFERRED TO COMMITTEE BY THE HOUSE

- SB 57-FN**, relative to mandatory waste reduction and recycling for state agencies. (Environment and Agriculture)
am & Approp 112-114, psd 361, 383, S nonconc, conf 853, 983, rep rej 1019-1021, IP 1083

1990 BILLS

- SB 301-FN**, relative to licensing commercial vehicle drivers. (Transportation)
New title: relative to licensing commercial vehicle drivers and to the demerit point system used to revoke or suspend certain drivers' licenses.
191, am 833-834, psd 857, S conc 937, enr 995 (Chapter 262)
- SB 302**, relative to the Mount Washington Commission. (Executive Departments and Administration)
191, psd 816, 856, enr 917 (Chapter 110)
- SB 305-FN**, to return filing fees paid by candidates for the office of state representative to cities and towns. (Constitutional and Statutory Revision)
191, psd 816, 856, enr 916 (Chapter 89)
- SB 306**, extending the reporting date for the committee to study corporal punishment and the licensing and regulation of private kindergartens and nursery schools in the state. (Education)
265, K 837
- SB 307-FN**, relative to state employee retiree dependent medical insurance.
S study 1072
- SB 309-FN-A**, establishing a New Hampshire Heritage Trail. (Resources, Recreation and Development)
New title: establishing a New Hampshire heritage trail and making an appropriation therefor.
504, am & Approp 831-833, rules suspended 853, am 925-926, psd 938, S conc 985, enr am 994, enr 1054, appointments 1081-1082 (Chapter 263)
- SB 313-A**, relative to the Nashua courthouse and making an appropriation therefor. (Public Works)
504, am & Approp 830, rules suspended 853, psd 926, 939, S conc 978, enr 995 (Chapter 264)
- SB 314-FN**, relative to the New Hampshire energy authority. (Science, Technology and Energy)
191, rem 795, psd (RC) 797-801, 802, enr 855 (Chapter 70)
- SB 315-FN**, relative to health insurance for retired municipal employees.
S study 1072

- SB 316-FN-A**, relative to the governor's education improvement program. (Education)
504, K 816
- SB 319**, relative to a uniform principal and income act. (Judiciary)
265, am 825, psd 856, S conc 937, enr 1054 (Chapter 265)
- SB 320-FN**, relative to court-ordered commitments. (Judiciary)
First new title: relative to court-ordered commitments and to suspended sentences.
Second new title: relative to court-ordered commitments, suspended sentences, and senior assistant attorneys general.
265, am 840-841, psd 857, S nonconc, conf 941, 991, rep adop 998, enr am 1052, enr 1055 (Chapter 266)
- SB 321**, relative to group health insurance. (Commerce, Small Business and Consumer Affairs)
265, am 897-898, psd 915, S conc 937, enr 995 (Chapter 267)
- SB 323-FN**, establishing a committee to study the feasibility of a state agency office complex. (Public Works)
265, am 576, psd 633, S conc 924, enr 935, appointments 1079-1080 (Chapter 152)
- SB 324-FN-A**, relative to the Spaulding Turnpike and making an appropriation therefor. (Public Works)
265, Approp 830, rules suspended 853, psd 926, 939, enr 995 (Chapter 268)
- SB 325**, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages. (Commerce, Small Business and Consumer Affairs)
789, am 894, psd 915, nonconc S am, conf 977, IP 1083
- SB 326-FN-A**, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor. (Appropriations)
191, LT (RC) 955-959, IP 1083
- SB 327-FN**, relative to a state-sponsored credit card program. (Commerce, Small Business and Consumer Affairs)
265, K 813-814
- SB 328**, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich. (Municipal and County Government)
714, am 898, psd 915, S nonconc, conf 951, rep adop 995-996, enr am 1043, enr 1056 (Chapter 269)
- SB 329**, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages. (Regulated Revenues)
468, am 796-797, psd 802, S nonconc, conf 941, IP 1083
- SB 330-FN-A**, establishing an interest-free revolving loan fund and a guaranteed loan program for elderly care providers and making an appropriation therefor.
S study 1072
- SB 332**, relative to electing zoning board of adjustment members. (Municipal and County Government)
468, psd 797, 802, enr 856 (Chapter 71)
- SB 333-FN-A**, making a supplemental appropriation to aid the sensory impaired. (Appropriations)
504, rules suspended 801, am 942, psd 949, S nonconc, conf 978, rep adop 998, enr 1055 (Chapter 270)
- SB 334-FN**, allowing the town of Ellsworth to establish a school district. (Education)
468, psd 796, 802, enr 856 (Chapter 72)
- SB 335-FN**, relative to the department of libraries, arts, and historical resources. (State Institutions and Housing)
265, psd 797, 802, enr am 811, enr 885 (Chapter 73)
- SB 336**, relative to the statute of limitations on prosecutions for bad checks. (Commerce, Small Business and Consumer Affairs)
468, psd 894, 915, enr 935 (Chapter 153)
- SB 337**, relative to interpreting zoning ordinances.
S study 1072
- SB 338-FN**, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect. (Children, Youth and Juvenile Justice)
191, Approp 813, rules suspended 853, psd 926, 939, enr 995 (Chapter 271)

- SB 339-FN**, relative to licensure of mobile barbershops. (Commerce, Small Business and Consumer Affairs)
265, psd 814, 856, enr 917 (Chapter 111)
- SB 340-FN-A**, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor. (Health, Human Services and Elderly Affairs)
New title: establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.
191, am & Approp 823-825, rules suspended 853, psd 927, 939, S nonconc, conf 977, rep adop 996, enr am 1040, enr 1056 (Chapter 272)
- SB 341-FN**, establishing the home mortgage guarantee authority.
S study 1072
- SB 343-FN**, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system. (Executive Departments and Administration)
First new title: providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system and relative to supplemental allowances to retirement system members.
Second new title: providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.
636, am & Approp 816-818, rules suspended 853, am 927-928, psd 939, S nonconc, conf 977, 985, new conf 1013-1014, 1017, rules suspended, rep adop 1017-1019, enr am 1045, enr 1053 (Chapter 273)
- SB 344-FN**, relative to the appointment of the director of water supply and pollution control. (Executive Departments and Administration)
636, psd 818, 856, enr 917 (Chapter 112)
- SB 345-FN**, relative to the New Hampshire Higher Educational and Health Facilities Authority. (Education)
265, psd 816, 856, enr 916 (Chapter 90)
- SB 346-FN**, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Executive Departments and Administration)
504, am & Approp 819, rules suspended 853, psd 928, 939, S conc 978, enr 1054 (Chapter 274)
SB 347-FN, to provide an automatic cost of living adjustment for group I retirement system members.
S study 1072
- SB 349-FN**, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues. (Education)
504, K 816
- SB 350-A**, relative to an office building design and making an appropriation therefor. (Public Works)
265, K 576
- SB 351**, relative to the Pease Air Force Base Development Authority and making an appropriation therefor. (Commerce, Small Business and Consumer Affairs)
789, am (RC) & Approp, rules suspended 861-885, am 928-930, psd 939, S conc 978, enr am 1040-1043, enr 1052, appointments 1080 (Chapter 161)
- SB 352-FN**, relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants. (Judiciary)
191, study 841, 1072
- SB 353-FN**, requiring state agencies to purchase recycled paper products. (Environment and Agriculture)
468, Approp 797, rules suspended 801, am 942-943, psd 949, S conc 985, enr am 1051, enr 1055 (Chapter 247)
- SB 354-FN**, relative to temporary emergency motor vehicle registration. (Transportation)
New title: relative to temporary emergency motor vehicle registration and the place of business of wholesale motor vehicle dealers.
265, am 834-835, psd 857, S conc 924, enr 982 (Chapter 154)
- SB 355-FN**, relative to regional vocational education. (Education)
468, K 796
- SB 358**, modifying the subdivision approval process for minor subdivisions. (Municipal and County Government)
636, K 895

- SB 359**, relative to modifying planning board procedures on plats. (Municipal and County Government)
265, am 895-897, psd 915, S nonconc, conf 951, rep adop 998-1000, enr 1056 (Chapter 275)
- SB 360**, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies. (Science, Technology and Energy)
464-465, psd 833, 857, enr 917 (Chapter 113)
- SB 361**, relative to radon gas and lead paint. (Science, Technology and Energy)
789, am 897, psd 915, S nonconc, conf 941, rep adop 996-997, enr 1056 (Chapter 276)
- SB 362**, relative to reporting requirements for political committees. (Constitutional and Statutory Revision)
265, K 894
- SB 363**, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters. (Commerce, Small Business and Consumer affairs)
265, psd 814, 856, enr 917 (Chapter 114)
- SB 365-FN**, relating to service areas for purposes of certificate of need.
S study 1072
- SB 367-FN**, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits. (Executive Departments and Administration)
New title: relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits and making a supplemental appropriation to the New Hampshire retirement system.
789, am & Approp 837-839, rules suspended 853, am 943-944, psd 949, S nonconc, conf 977, rep adop 1000, enr 1055 (Chapter 277)
- SB 370-FN**, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant. (Municipal and County Government)
191, am 829-830, psd 857, S conc 937, enr 982 (Chapter 155)
- SB 371-FN**, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations. (Executive Departments and Administration)
New title: relative to disciplinary actions against and expiration and renewal of licenses for licensees of the barbering, cosmetology, and esthetics board and making an appropriation for sending out license renewal notices.
264, am & Approp 839-840, rules suspended 853, SO 930, psd 953-955, 975, S nonconc, conf 982, rep adop 1000-1001, enr 1056 (Chapter 278)
- SB 372-FN**, relative to suspension or revocation of the motor vehicle license or privilege to drive. (Transportation)
264, study 845, 1072
- SB 373-FN-A**, relative to compulsory school attendance and to home education. (Education)
636, rem 813, am & Approp 845-848, rules suspended 853, psd 930, 939, S conc 978, enr 1055 (Chapter 279)
- SB 374-FN**, establishing a study committee to examine probate court reporting requirements. (Judiciary)
264, am 825-826, psd 856, S nonconc, conf 941, rep adop 1001, enr 1055, appointments 1080 (Chapter 280)
- SB 377-FN**, to permit group II members to purchase out-of state service as creditable service in the New Hampshire retirement system. (Executive Departments and Administration)
468, am & Approp 819-821, rules suspended 853, am 930-931, psd 939, S nonconc, conf 977, 985, rep adop 1002, enr 1054 (Chapter 281)
- SB 378-FN**, making technical amendments to the liquor laws. (Regulated Revenues)
New title: making technical amendments to the liquor laws and relative to certain liquor and beverage license applications and qualifications.
191, am 960-968, psd 975, S nonconc, conf 982, 990, rep adop 1002, enr 1055 (Chapter 235)
- SB 379-FN**, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership. (Commerce, Small Business and Consumer Affairs)
New title: relative to indoor smoking.
636, am (RC) 904-915, psd 915, S conc 937, enr 1054 (Chapter 236)
- SB 380**, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists. (Executive Departments and Administration)
468, am 895, psd 915, S conc 937, enr 995 (Chapter 237)

- SB 383-FN**, relative to a vocational center in Claremont. (Education)
191, psd 895, 915, enr 934 (Chapter 156)
- SB 384-FN-A**, relative to medical examiners and making an appropriation therefor. (Health, Human Services and Elderly Affairs)
636, rem 813, Approp 849, rules suspended 853, am 931-932, psd 939, S nonconc, conf 978, rep adop 997, enr 1054 (Chapter 238)
- SB 386**, relative to the use of public water by the town of Lincoln and by Loon Mountain Recreation Corporation. (Resources, Recreation and Development)
New title: relative to a public trust grant for the town of Lincoln's water supply and Loon Mountain Recreation Corporation's snowmaking.
504, am 898-900, psd 915, S conc 937, enr 995 (Chapter 239)
- SB 387**, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions. (Commerce, Small Business and Consumer Affairs)
468, am 835-837, psd 857, S conc 924, enr 916 (Chapter 115)
- SB 388**, relative to ski patrol personnel qualifications and licensing. (Executive Departments and Administration)
New title: relative to providers of emergency medical services and ski patrol personnel qualifications and licensing.
265, com changed 352, am 821-822, psd 856, S conc 924, enr 934 (Chapter 157)
- SB 389**, relative to non-privileged communications in marital mediation proceedings. (Judiciary)
468, psd 826, 856, enr 916 (Chapter 91)
- SB 390**, relative to laws regarding abuse and neglect of children. (Children, Youth and Juvenile Justice)
468, rem 894, am 904, psd 915, S nonconc, conf 978, rep adop 1002-1003, enr 1055 (Chapter 240)
- SB 391-FN**, relative to confidential communications between certain victims and counselors. (Judiciary)
New title: relative to confidential communications between certain victims and counselors and relative to domestic violence.
636, rem 813, am 849-852, psd 856, S nonconc, conf 942, rep adop 997-998, enr 1056 (Chapter 241)
- SB 392-FN**, relative to the Spaulding Turnpike. (Public Works)
265, Approp 830-831, rules suspended 853, psd 932, 939, enr 995 (Chapter 242)
- SB 396-FN**, relative to drivers' license suspensions for drug offenses. (Judiciary)
264, K (RC) 841-845
- SB 397-FN**, relative to drug testing of drivers and adult pedestrians involved in fatal accidents. (Judiciary)
New title: relative to drug testing of drivers and adult pedestrians involved in fatal accidents or incurring serious bodily injury.
264, am 826-827, psd 856, S nonconc, conf 942, rep adop 1003, enr 1054 (Chapter 243)
- SB 398**, relative to the east-west highway study. (Public Works)
265, rem 813, am & Approp 852-853, rules suspended 853, am 932, psd 939, S nonconc, conf 978, rep adop 1003-1004, enr 1054 (Chapter 244)
- SB 400-A**, increasing the appropriation for constructing regional vocational education centers. (Public works)
504, psd 796, 802, enr am 858, enr 935 (Chapter 158)
- SB 401-FN**, relative to fines imposed for DWI. (Judiciary)
First new title: relative to fines imposed for DWI and to the penalty assessment on criminal fines.
Second new title: relative to fines imposed for DWI.
265, am & Approp 827-829, rules suspended 853, am 944-945, psd 949, S conc 985, enr 995 (Chapter 245)
- SB 402-FN-A**, reinstating certain positions in the insurance department and making an appropriation therefor. (Commerce, Small Business and Consumer Affairs)
New title: relative to certain positions in the insurance department and making appropriations therefor.
191, am 814-815, psd 856, S conc 924, enr am 938, enr 986 (Chapter 246)
- SB 403-FN**, establishing a committee to study the feasibility of a health insurance risk pool for uninsureds. (Commerce, Small Business and Consumer Affairs)
468, am 815, psd 856, S conc 937, enr 982, appointments 1080 (Chapter 159)

- SB 405-FN**, relative to accounting procedures and risk retention of insurance companies. (Commerce, Small Business and Consumer Affairs)
191, psd 816, 856, enr 916 (Chapter 92)
- SB 406-FN**, relative to creditable service for retirement purposes for teachers who job share. (Executive Departments and Administration)
265, am & Approp 822-823, rules suspended 853, am 945-946, psd 949, S nonconc, conf 978, 985, rep adop (K) 1004
- SB 407-FN**, relative to the retirement eligibility of the director of the police standards and training council. (Executive Departments and Administration)
191, rem 813, am & Approp 848, rules suspended 853, K 925
- SB 408-FN**, relative to alcohol offenses, transporting alcoholic beverages, and children in need of services.
S study 1072
- SB 409-FN**, relative to school attendance as a condition of issuance of drivers' licenses to minors. (Education)
265, study 955, 1072
- SB 410-FN**, relative to display of materials which are harmful to minors. (Judiciary)
468, K 845

SENATE JOINT RESOLUTION

- SJR 1**, naming the Kenneth M. Tarr Health Care Facilities. (Public Works)
265, adop 576, 633, enr 790 (Chapter 11)

SENATE CONCURRENT RESOLUTION

- SCR 1**, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools. (Education)
468, K 895

CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 21**, relating to the term of the governor. Providing that the term shall be 4 years. (Keans of Str. 11 et al - To Constitutional and Statutory Revision)
67, am & LT (RC) 698-702, 1P 1083
- CACR 22**, relating to increasing the terms of house and senate members from 2 to 4 years. Providing that the terms of house and senate members be increased to 4 years. (Bennett of Graf. 8; Micklon of Rock. 20 - To Constitutional and Statutory Revision)
67, K 429-430
- CACR 23**, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Sytek of Rock. 20 et al - Regulated Revenue)
67, am 340, adop 348, 349, S conc 793, enr 802
- CACR 24**, relating to a local property tax relief fund. Providing that a local property tax relief fund be established for the sole purpose of aiding school districts, municipalities, and counties. (Hall of Mer. 7; Teague of Mer. 18 - To Constitutional and Statutory Revision)
67, K 490
- CACR 25**, relating to the membership of the senate. Providing that the senate shall consist of 48 members. (Robinson of Hil. 12 et al - To Constitutional and Statutory Revision)
67, adop 430-461, S nonconc 859

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